

## 5530 SUBSTANCE ABUSE (M)

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The Board of Education recognizes that a pupil's abuse of harmful substances seriously impedes that 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 and maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

Definitions N.J.S.A. 18A:40A-9  
N.J.A.C. 6A:16-1.3; 6A:16-4.1

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.

“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.

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.

A pupil who uses, possesses, or distributes a 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 may establish consequences for a 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).

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

The Board shall provide a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment, and continuity of care for pupil alcohol, tobacco, and other drug abuse.

Identification, Evaluation, and Intervention

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



Any educational staff member or other professional to whom it appears that a pupil may be under the influence of alcohol or other drugs 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.

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 pupil, the Building Principal, and the Superintendent in accordance with N.J.A.C. 6A:16-4.3(a)2 - 4.3(a)8.

If the written report of the medical examination is not provided within twenty-four hours of the referral of the pupil, the 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 physician.

If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the pupil's physical or mental ability to perform in school, the pupil shall be immediately returned to school. If there is a positive determination from the medical examination indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school, the pupil 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 verifies the pupil's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.

Removal of a pupil with a disability shall be in accordance with N.J.A.C. 6A:14.

While a pupil is at home because of the medical evaluation or after the pupil returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the 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.

Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel shall have reason to believe a pupil has used or may be using anabolic steroids, that person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.

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 pupil as soon as possible to determine whether the pupil has been using anabolic steroids in accordance with N.J.A.C. 6A:16-4.3(b)2.



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.

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.

If it is determined the pupil has used anabolic steroids, an appropriately certified school staff member(s) shall interview the pupil and others to determine the extent of the 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.

If the results of a referral for evaluation have positively determined the pupil's involvement with and use of anabolic steroids represents a danger to the 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.

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 pupils. The Board will provide time for the conduct of the program during the usual school schedule. 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.

Outreach to Parents N.J.S.A. 18A:40A-16; 18A:40A-17  
N.J.A.C. 6A:16-4.1(c)7.

The Board will provide an outreach program 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.

Records §408 of the Drug Abuse Prevention, Treatment, and  
Rehabilitation Act, 42 U.S.C., and Implementing  
Regulations, 42 CFR Part 2, N.J.S.A. 18A:40A-7.1



Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.

If an elementary or secondary pupil involved in a school-based drug or alcohol counseling program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only with 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.

NonpublicSchool Pupils      N.J.S.A. 18A:40A-5; 18A:40A-17c

The Board will lend to pupils attending nonpublic schools located in this district and to the parent(s) or legal guardian(s) of such pupils educational materials on substance abuse prepared and supplied by the Commissioner. The loan of such materials shall be at no cost to the district.

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 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.

Any educational or non-educational school staff member who in good faith reports a 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.

#### Reporting Pupils to Law Enforcement Authorities N.J.A.C. 6A:16-6.3(a)

The Superintendent, or designee, shall report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully possessing or in any way involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not involved or implicated in a current drug distribution activity.

The Superintendent or designee may, but need not disclose to law enforcement authorities the identity of a pupil 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 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.

#### Policy Review and Accessibility

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

The Board will annually review the effectiveness of Policy and Regulation 5530 on pupil alcohol and drug abuse. The Board shall solicit parent(s) or legal guardian(s), 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 policy and regulation shall be made available annually, at the beginning of the school year, to all school employees, pupils, and parent(s) or legal guardian(s). 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.



# POLICY

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

Adopted: 30 January 2014



## R 5530 SUBSTANCE ABUSE

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

### A. Definitions

1. “Evaluation” means those procedures used by a certified or licensed professional to make a positive determination of a 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.
2. “Intervention” means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
3. “Referral for evaluation” means those programs and services offered to a pupil or his or her family in order to make a positive determination regarding a pupil’s need for services which extend beyond the general school program.
4. “Parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, “parent” means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. “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.
6. “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.



7. “Under the influence” of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

## B. Discipline

1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Pupils who violate the substance abuse rules will be disciplined. Discipline will be graded to the severity of the offense, the nature of the problem, and the pupils needs. It may include suspension or expulsion.
2. In accordance with N.J.A.C. 6A:16-41(c), the following disciplinary action will be taken in the event the pupil does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors that include suspension, homebound instruction, or alternative placement.
3. A pupil convicted of drug use, possession, and/or distribution may be admitted to school on the recommendation of the Child Study Team.
4. A pupil who has been removed from school for his/her involvement with drugs, other than a pupil who has been expelled from school, shall be placed on home instruction upon the recommendation of the Child Study Team.

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

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.



3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.
- D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids
1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Principal (or, in the Principal's absence, to a person designated by the Principal) and either the certified or non-certified school nurse or the school physician or the Substance Awareness Coordinator.
  2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
  3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician or another physician identified by the Principal. An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Principal shall not be at the district's expense.
  4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
  5. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected or have used or who may be using anabolic steroids. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of anabolic steroids or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.



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6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent.
  7. If it is determined that the pupil has used anabolic steroids, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall interview the pupil and others, as necessary, for the purpose of determining the extent of the pupil's involvement with and use of anabolic steroids and the possible need for referral for treatment. To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse, as may be appropriate and necessary.
  8. If the results of a referral for evaluation have positively determined that the pupil's use of anabolic steroids represents a danger to the pupil's health and well-being, the school staff member(s) identified in 7. above shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by appropriate drug and alcohol licensing board.
- E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids
1. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school grounds, including on a school bus or at a school-sponsored function, shall report the matter as soon as possible to the Principal and either the certified school nurse, non-certified school nurse, the school physician, or the substance awareness coordinator pursuant to N.J.S.A. 18A:40A-12. In the absence of the Principal, his or her designee shall be notified. In instances where the Principal and either the certified school nurse, non-certified school nurse, the school physician or the substance awareness coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified. The referring staff member shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.



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2. The Principal or designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent and/or designee.
3. The Superintendent or designee may, but need not, disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of alcohol or other drugs. The Superintendent shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a pupil reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
4. The Principal or designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, the medical examination shall be conducted by the school physician. If neither the parent's or legal guardian's physician nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if available and by a member of the school staff appointed by the Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.



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5. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
6. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use. The findings of the report shall verify whether the pupil's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent is required to verify within twenty-four hours of the notification that the pupil is suspected of alcohol or other drug use that the medical examination in accordance with this Policy was performed. The verification shall include, at a minimum, the printed name, address and phone number, date and time of the medical examination, signature of the examining physician and the date by which the written report of the examination will be provided.
8. If the written report of the examination is not submitted to the parent, Principal or Superintendent within twenty-four hours of the referral of the pupil, the pupil will be allowed to return to school until such time a positive determination of alcohol or other drug use is received from the physician.
9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's physical and mental ability to perform in school, the pupil will be immediately returned to school.
10. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), Principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. The report must verify the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14.



11. Refusal or failure by a parent/legal guardian 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 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with 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.
12. While the pupil is home because of the medical examination or after the pupil returns to school, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained to assess alcohol and other drug abuse shall:
  - a. Conduct an alcohol and other drug assessment of the pupil and a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in pupil alcohol or other drug abuse as may be appropriate and necessary, for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not prevent a pupil from attending school; and
  - b. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.
13. While the pupil is at home because of the medical examination or after the pupil returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the pupil or evaluation by appropriately certified or licensed professionals to make a positive determination of a pupil's need for programs and services which extend beyond the general school program, as necessary. The findings of these additional evaluations alone shall not be used to prevent a pupil from attending school.



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14. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services endorsement on the Educational Services Certificate and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment.
15. Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with N.J.A.C. 6A:16-4.3 and this Policy 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.

## F. Presence of Substances on School Premises

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

## G. Outreach to Parents

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



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

## H. Records

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



# REGULATION

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

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

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

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



# REGULATION

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

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

Issued: 30 January 2014



## R 5533 PUPIL SMOKING

The Board of Education is committed to maintaining a smoke-free environment on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education. The school administration and all school staff members shall strictly enforce this smoking prohibition and will work together to ensure pupils do not smoke in violation of Board Policy 5533 and the law.

### A. Notice Provisions

1. A sign shall be posted in every school building indicating smoking is prohibited in any school building or on school grounds. The sign shall also indicate violators will be subject to a fine.
2. Each school's student handbook will indicate smoking is prohibited on school grounds, at events sponsored by the Board away from school, and on any transportation vehicle supplied by the Board of Education.
3. A public address announcement will be made, when practicable, at school-sponsored events indicating smoking is prohibited in school buildings and on school grounds.

### B. Reporting Procedures

1. Any teaching staff member who observes a pupil smoking in violation of Policy 5533 shall inform the pupil to cease smoking and report the violation to the Principal or designee.
2. Any support staff member who observes a pupil smoking in violation of Policy 5533 shall either inform a teaching staff member, who shall report the violation to the Principal or designee or the support staff member may report the violation directly to the Principal or designee.
3. The Principal or designee will investigate each report received from a staff member and make a determination whether the pupil has violated Board Policy 5533.



# REGULATION

## C. Violation Consequences

1. In the event the Principal or designee determines a pupil has violated Policy 5533, the pupil will be assigned appropriate discipline in accordance with the school's pupil discipline/code of conduct.
2. The Principal or designee will notify the pupil's parent(s) or legal guardian(s) when discipline is being imposed for a violation of Policy 5533.

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