

R 3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES

A. Definition

1. “Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.
2. “Principal or designee” means the teaching staff member’s Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member’s supervisor or a staff member designated by the teaching staff member’s supervisor to be responsible at the time of the alleged violation.
3. “Substance” or “substances” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or 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 in 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.

“Substance” shall also include any substance that is represented to be, represented to contain, mimics, or that looks like an alcoholic beverage or controlled dangerous substance under New Jersey law, including but not limited to, any substance that contains or is represented to contain chemicals or any substance that produces the same effect as or is represented to produce the same effect as a prohibited substance or any functional or structural analog of a prohibited substance, including, but not limited to, K-2, Spice, salvia, or any other synthetic cannabinoid.

4. “Substance test” means a test conducted by a Board-approved laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.



REGULATION

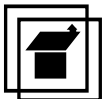
RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 2 of 7

Use, Possession, or Distribution of Substances M

- 5.4. “Under the influence” means the use or presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.
- B. Procedures to be followed when a staff member has unlawfully possessed or has been involved in the distribution of a controlled dangerous substance.
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 staff member 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 designee in accordance with the provisions of Policy 3218 and N.J.A.C. 6A:16-6.3(a).
 - a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the Principal or designee shall notify the Superintendent who shall notify, as soon as possible, 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:16-6.3(a)2, the Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter including the identity of the staff member involved.
 - c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.
- C. Procedures to be followed when a teaching staff member is suspected to be under the influence of a substance:
1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function:



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 3 of 7

Use, Possession, or Distribution of Substances
M

- a. The Principal or designee, upon receiving a report or information that a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function, will:
 - (1) Immediately notify the Superintendent;
 - (2) Immediately meet with the teaching staff member;
 - (a) The Principal or designee may include another staff member in this meeting; and
 - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of his or her choice in this meeting.
- b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion that the teaching staff member may be under the influence of a substance.
- c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
- d. In the event the Principal or designee believes that the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination by the Board physician. The medical examination shall include a substance test administered by the Board physician or a Board-approved laboratory.
- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
- f. The teaching staff member, prior to the medical examination and substance test, will be informed by the Board physician or designee



TEACHING STAFF MEMBERS

R 3218/page 4 of 7

Use, Possession, or Distribution of Substances M

on the type of testing to be completed and the substances that will be tested.

- g. The teaching staff member may, prior to being examined or tested, disclose to the Board physician or designee any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.
 - h. Refusal by the teaching staff member to consent to the medical examination, which includes a substance test, will be deemed a positive test result for substances.
2. The results of the medical examination and substance test shall be used by the Board physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirmation test using acceptable confirmation test procedures.
 - a. Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the teaching staff member will be deemed a positive test result for substances.
 3. The results of the substance test shall be provided to the Superintendent and Board physician within twenty-four hours of the test being administered, or as soon as the test results are available. The Superintendent shall provide the teaching staff member with these results.
 - a. In the event that the results of the medical examination and substance test are not provided to the Superintendent within twenty-four hours of the test being administered or as soon as the test results are available, it will be deemed a positive test result for substances.
 4. If the Board physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function, the teaching staff member shall return to his or her position in the school district, unless the Superintendent has a reason why the teaching staff member should not return to his or her position.
 5. If the Board physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under



TEACHING STAFF MEMBERS

R 3218/page 5 of 7

Use, Possession, or Distribution of Substances
M

the influence of a substance during work hours or at a school-sponsored function, the Board physician will:

- a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the Board physician's determination.
- b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a laboratory selected by the teaching staff member and approved by the Board physician and Superintendent, at the staff member's own expense.
 - (1) The Board physician will schedule and coordinate the confirmation test procedures, including the acceptable time period for the confirmation test to be conducted based on the existing test results, and the time in which a confirmation test result will be valid. This confirmation test shall be paid for by the teaching staff member.
 - (2) The confirmation test results must be provided to the Board physician and Superintendent within the time period required by the Board physician.
 - (3) Any confirmation test results provided to the Board physician and Superintendent outside of the time period required by the Board physician shall not be accepted and the teaching staff member shall be determined to have waived his or her right to a submit the results of a confirmation test.
- c. After completing the requirements in 5.a. and b. above, the Board physician shall make a final determination whether the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function.
 - (1) If the Board physician makes a final determination that the teaching staff member was not under the influence during work hours or at a school-sponsored function, the Board physician will report a final determination to the



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 6 of 7

Use, Possession, or Distribution of Substances M

Superintendent and the teaching staff member shall return to his or her position in the school district, unless the Superintendent has a reason why the teaching staff member should not be returned to his or her position. Records or documentation regarding a negative medical examination or substance test shall not be included in the teaching staff member's personnel file.

- (2) If the Board physician makes a final determination that the teaching staff member was under the influence during work hours or at a school-sponsored function, the Board physician will report a final determination to the Superintendent.

D. Procedures to be followed when a teaching staff member is determined to be under the influence of a substance:

1. Any teaching staff member determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of his or her choice in this meeting.
2. The Superintendent will provide the teaching staff member an opportunity to respond to the Board physician's determination.
3. A teaching staff member determined to be under the influence of a substance during work hours or at a school-sponsored function, or who is deemed to have tested positive for such substances, will be subject to appropriate discipline to be determined by the Superintendent and/or the Board of Education, which may include termination of a non-tenured teaching staff member or the filing of tenure charges against a tenured teaching staff member.
4. Notwithstanding the above, if an employee is suspected of substance use and, in the judgment of the Board of Education and/or its agents or Administrators, shows evidence of deviation from normal physical or mental health, the Board may require the employee to undergo a medical examination in accordance with N.J.S.A. 18A:16-2, et seq. An employee who fails to comply with this requirement shall be subject to discipline.



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 7 of 7

Use, Possession, or Distribution of Substances
M

5. An employee who has tested positive for substance use or who refuses to be examined for suspected substance use shall not be permitted on school grounds and shall be required to leave the premises immediately. If the employee refuses to leave the premises when required, the appropriate law enforcement agency will be contacted and a police report will be filed.

Adopted: 15 January 2013

Revised: 21 July 2015; _____

