

R 3218 SUBSTANCE ABUSE

Procedures

A. ~~Basic procedures to be used when an employee is suspected of having a dependency upon or illegal use of a controlled dangerous substance.~~

1. ~~The employee's behavior shall be observed and documented by concerned staff. Such behavior as poor working performance, negative personality changes, and poor attendance could be symptomatic of a substance abuse problem. The concerned staff member shall make this report to the Building Principal or a designee of the Building Principal, the school physician (school medical inspector), or the school nurse.~~

2. ~~The school physician (school medical inspector) or the school nurse shall notify the Building Principal upon receiving any such report(s). The Principal will notify the Superintendent of any such report(s). The Principal and Superintendent, and school nurse when appropriate, will discuss their concern for the employee's health and performance to determine if further pursuance is appropriate and necessary.~~

3. ~~The Principal or school nurse, as determined by the Superintendent, shall discuss the suspected behavior with the employee as to the extent of the problem. The Superintendent shall keep accurate and detailed official written records of all incidents related to suspected substance abuse.~~

4. ~~If the suspected dependency or use is confirmed, the employee shall be required to obtain professional counseling or complete an appropriate rehabilitation program.~~

~~If necessary, an immediate leave of absence may be granted to the employee by the Superintendent. The school nurse will recommend at least two certified counseling agencies or a rehabilitation program to the Superintendent.~~

B. ~~Procedures to be followed when an employee confides to a colleague or administrator that he/she has a substance abuse problem:~~

1. ~~The staff member shall encourage the employee to seek help.~~

2. ~~Report the concern about the potential substance abuse problem to the Building Principal.~~



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R-3218/page 2 of 4

Substance Abuse

3. ~~The school physician or the school nurse must report the substance abuse problem to the Principal. The Principal will then follow C2 of this regulation.~~
- C. ~~Procedures to be followed when an employee is suspected of being under the influence of a substance during working hours:~~
1. ~~Whenever it appears to any teaching staff member, school nurse, or any other employee of the school district that an employee may be under the influence of a controlled dangerous substance as defined by the New Jersey Statutes, or any chemical (including alcohol/anabolic steroids) or chemical compound which releases vapor or fumes causing condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, this situation shall be immediately reported to the Principal, the school physician, or the school nurse.~~
 2. ~~The school physician or school nurse shall notify the Principal when they receive a report. The Principal shall:~~
 - a. ~~Notify the Superintendent of Schools.~~
 - b. ~~Arrange for the immediate examination of the employee by the school doctor or a doctor selected by the employee, or if such doctor is not immediately available, then arrange transportation to the local hospital. The employee shall be accompanied to the doctor or emergency room by a member of the school staff designated by the Building Principal and/or the Superintendent.~~
 - c. ~~A report shall be requested from the examining physician which shall set forth whether or not the employee is under the influence of a controlled dangerous substance, or any chemical, which includes alcohol, anabolic steroids, or chemical compound. This test must be made within twenty-four hours of the initial report made by the Principal.~~
 - d. ~~The employee shall not be permitted to resume work until he/she has submitted to the Building Principal a written report from his/her personal physician or the physician who initially examined him/her certifying that he/she is physically and mentally able to return to work.~~
 - e. ~~If the report indicates a positive diagnosis, a Violence, Vandalism, and Substance Abuse Incident Report shall be completed by the Principal.~~



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 3 of 4

Substance Abuse

f. — If the report indicates a positive diagnosis, the following sanctions apply:

~~First offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for three required sessions. A report from the agency must be submitted to the Superintendent within one week after the third counseling session. A warning letter from the Superintendent will be placed in the employee's personnel folder.~~

~~Second offense: Provided the employee is not dismissed, the employee must report to an outside certified agency for counseling for five sessions. A report from the agency must be submitted to the Superintendent within one week after the fifth counseling session. A letter of reprimand will be placed in the employee's personnel folder advising him/her that a third incident will result in a suspension without pay and a loss of an increment for the following year.~~

~~Third offense: Provided the employee is not dismissed, the employee must enroll in a certified rehabilitation program. A letter must be sent to the Superintendent at the conclusion of the treatment programs. Also, the employee will be suspended for a week without pay and lose his/her increment the following year.~~

~~Fourth offense: Provided the employee is not dismissed, the employee will have a hearing before the Board in which a decision will be rendered by the Board relating to the continued employment of the employee.~~

g. — ~~If the employee is suspected of substance abuse or use and, in the judgment of the Board of Education, and/or its agents, shows evidence of deviation from normal, physical or mental health, the Board may require the employee to undergo a physical examination in accordance with N.J.S.A. 18A:16-2, 18A:16-3 and N.J.A.C. 6:29-7.4(f). An employee who fails to comply with this requirement shall be subject to discipline.~~

3. — ~~If the employee refuses to be examined for suspected substance abuse, the supervisor will notify the Superintendent immediately, or in his/her absence, his/her designee. The Superintendent or designee shall request the school employee leave the school premises immediately. If the school employee refuses to leave the school premises when required, the appropriate law enforcement agency will be called and a police report will be filed.~~



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R-3218/page 4 of 4

Substance Abuse

- ~~D. — Procedures to be followed when an employee is found in possession of, and/or selling/distributing alcohol, anabolic steroids, and/or a controlled dangerous substance as defined by New Jersey Statutes and/or Codes:~~
- ~~1. — A report will be immediately filed with the appropriate law enforcement agency if any employee is found to be using, be in possession of, or selling illicit drugs, alcohol, or anabolic steroids on the school's premises or as part of any school function.~~
 - ~~2. — If in the course of any investigation by the appropriate law enforcement agency, an employee is arrested by the police, he/she will be immediately suspended from work with pay until a Board hearing can be arranged for further disciplinary action.~~
 - ~~3. — Should the employee be found guilty of a criminal offense, he/she will have a Board hearing at which time the Board will render a decision regarding disciplinary action. He/she may be suspended without pay, lose an increment, be required to attend a rehabilitation program, or be terminated from employment.~~
- ~~E. — Any school staff member(s) who in good faith reports an employee to the Principal or the school medical inspector or the school nurse in an attempt to help such person cure his/her dependency upon or illegal use of controlled dangerous substance(s) as defined by N.J.S.A. 2A:170-25-9 and N.J.S.A. 24:21-2 shall not be liable in civil damages as a result of making any such report as specified in N.J.S.A. 2A:62A-4. Alcohol and anabolic steroids are not listed as a controlled, dangerous substance by statute or code.~~

~~N.J.S.A. 2C:33-15 et seq.
N.J.S.A. 24:21-2 et seq.
42 C.F.R. II
34 CFR 85.600 et seq.
20 U.S.C.A. 1145g, 3224a
41 U.S.C.A. 701 et seq.~~

Adopted: 15 January 2013



R 3218 SUBSTANCE ABUSE

A. Definition

1. “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.
2. “Substance” or “substances” 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.
3. “Substance test” means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.
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 Teaching Staff Member is Suspected to be Under the Influence of a Substance



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 2 of 5

Substance Abuse

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 where the teaching staff member has been assigned job responsibilities.
 - a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:
 - (1) Immediately notify the Superintendent of Schools;
 - (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 their choice in this meeting.
 - b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion 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 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 to include a substance test.
 - 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.



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 3 of 5

Substance Abuse

- f. The teaching staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee 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 and tested, disclose to the physician 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. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.
2. The medical examination and substance test shall be used by the 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 confirming test using acceptable confirmation test procedures.
 3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available.
 4. If the 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 where the teaching staff member was assigned job responsibilities, the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
 5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the 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 physician's determination.



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 4 of 5

Substance Abuse

- b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician, **at the staff member's own expense.**
- (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.
 - (2) The confirming substance test results must be provided to the physician within the time period required by the physician.
 - (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have a confirming substance test considered by the physician.
- c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities,
- (1) If the physician makes a final determination **that** the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
 - (2) If the physician makes a final determination **that** the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.



REGULATION

RANDOLPH BOARD OF EDUCATION

TEACHING STAFF MEMBERS

R 3218/page 4 of 5

Substance Abuse

- C. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance
1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.
 2. The Superintendent will provide the teaching staff member an opportunity to respond to the physician's determination.
 3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities **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 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 abuse or 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.**
 5. **An employee who has tested positive for substance abuse or who refuses to be examined for suspected substance abuse 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 called and a police report will be filed.**

Approved:

Revised:

