

## R 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" means 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. "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.
4. "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.
5. "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.
6. "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.
7. “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. 14:21-2 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 in N.J.S.A. 2C:35-10.4 and over-the-counter and prescription medication that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
  8. “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.
  9. “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 or has given school personnel reasonable suspicion that the student used a substance.
  10. “Medical examination” means the examination of the student conducted by a physician for the purpose of determining whether the student is physically and mentally able to return to school. For the purpose of this Regulation, “medical examination” does not mean the lab results of the blood, urine, or other diagnostic test to determine whether the student did, in fact, use alcohol, drugs, or anabolic steroids.



11. "Diagnostic test" means the urinalysis, blood test, or other screening method performed on a student to detect a substance in the student's system.

## B. Discipline

1. Any violation of Board rules prohibiting the use 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 are found to be under the influence will be disciplined as follows:

First Offense	up to 5 days	External / Internal Suspension
Second Offense	up to 10 days	External / Suspension. Must have complete substance evaluation and provide evidence of follow through regarding any recommendation. Administration reserves the right to request random drug screens up to one (1) year after the date of the second positive screen.
Third Offense		Suspension pending Superintendent Review and/or Board hearing.

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:

a. Consequence:

- i. Student will remain on suspension pending evidence of compliance.

## C. Possession

Students suspected of possessing a substance:



1. Any student who possesses a substance is in violation of the law. The Principal will immediately call the appropriate law enforcement agency so that the proper investigation may be conducted. If the parent(s) and/or legal guardian(s) is not available, the police will be contacted and the parent(s) and/or legal guardian(s) then will be informed as soon as they are available.
2. If the Principal suspects substances are contained in a locker or on a student person, the Principal may, in the presence of a teaching staff member, conduct a search of the locker or the person, or the vehicle parked on school grounds or at a school sponsored event or activity.
3. Any student in possession of illegal substances will be sent for a drug screen and be subject to consequences as listed in No. B.1 above.
4. The Principal shall notify the Superintendent of the incident and the action taken. In addition, the Board of Education may take further action based on recommendations from the administration, provided however, that before any such action the student and/or the parent(s) and/or legal guardian(s) are given an opportunity to be heard before the Board.
5. Any student found to be in possession of a substance will be suspended as follows:

First Offense	up to 10 days	External / Internal Suspension
Second Offense		External / Suspension until Superintendent's review and/or Board of Education hearing to consider expulsion.

During the period of suspension, the student will lose the privilege to participate in school activities, including, but not limited to extra/co-curricular activities, clubs, athletic games and/or practice, field trips, dances, proms, graduation ceremony, etc.

#### D. Sale or Distribution of Substances on School Property

1. The parent(s) and/or legal guardian(s) will be apprised that the Principal will inform the local police department of the student's activity. In addition, the Board of Education may take further action, provided however, that before any such action is taken the



- student and/or the parent(s) and/or legal guardian(s) are given an opportunity to be heard before the Board.
2. When the school Principal or any staff member has reasonable cause to believe that a student is selling or distributing substances on school property, the Principal shall inform the student of the basis of the belief. Also, the student shall be advised of the school's intention to inform the student's parent(s) and/or legal guardian(s) as soon as possible of this suspected activity.
  3. The Principal, in the presence of a staff member, may conduct a search of the student's locker or of a student's person if the Principal suspects substances are contained in the locker or on the student, including vehicles on school property or at school sponsored event or activity.
  4. Any student found selling or distributing substances on school property will be suspended as follows:
    - a. All consequences ranging from suspension to expulsion are at the discretion of administration.
- E. Non-students on the school grounds under the influence of substances
- Any teaching staff member or other employee who believes that a non-Randolph student on school property is under the influence of substances shall report the same to the Principal of the school who in turn shall immediately report the incident to the Randolph Police Department for investigation.
- F. 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 include one or more of the following:
      - i. 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;



- ii. 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;
- iii. Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- iv. A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

## G. 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, 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.
  - i. 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.
  - ii. 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 the law enforcement authorities the identity of a student suspected to have used or to be using anabolic steroids.





coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.

- ii. 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 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.
  - iii. Where an educational staff member suspects the use of alcohol or other drugs by a group of students, the staff member shall immediately report the suspicion to the Principal, or to his or her designee. The Principal, or his or her designee, shall make a reasonable effort to identify by means such as informal observation or discussion with each student, which student(s) among the group may be under the influence of alcohol or drugs. Those students whom it appears to the staff member are under the influence of drugs or alcohol shall be sent for an immediate medical examination as set forth below.
- 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 shall:
- i. Immediately notify the student's parent and the Superintendent or designee;
  - ii. Arrange for an immediate medical examination of the student within two (2) hours for the purposes of providing appropriate health care and for conducting the appropriate test to determine whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and
- 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.
- i. 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.
  - i. Unless the parent chooses to have the diagnostic test conducted by a physician of his or her choice, the costs of the examination will be paid by the District Board of Education. If the parent uses a physician of his or her choice, all costs will be responsibility of the parent.
- e. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician or the medical facility used by the District.
  - i. In the event that the school-chosen facility is unavailable, 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.
  - ii. The student's parent, if available, shall accompany the student as well.
  - iii. If the parent chooses to bring the student to a private physician, all fees for services are the financial responsibility of the parent regardless if the results are positive or negative.
- f. The Board of Education will have a plan in place for the appropriate supervision of the student:
  - i. 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
  - ii. 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, when possible, of the referral of the student for suspected alcohol or other drug use. 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.



# REGULATION

## RANDOLPH BOARD OF EDUCATION

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Substance Abuse

- i. The results of the diagnostic test or screening to determine whether the student was under the influence of alcohol or other drugs shall be provided to the school no later than seventy-two hours of the medical examination.
- h. When the medial 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 Regulation.
  - i. 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 Regulation **will be provided**.
  - ii. Refusal or failure by a parent to comply with this requirement shall be treated as a policy-/regulation violation and a violation of the State's Compulsory Education and child neglect laws 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 by the physician 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 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 diagnostic test, showing the presence of a substance in the student's system:
  - i. The student will be returned as soon as possible to the care of the parent.

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 examined the



- student verifying that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.
- ii. Any diagnostic test reading above zero (0) for drugs, alcohol or steroids shall be treated as a positive test result.
  - iii. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
- l. A tampered, adulterated or diluted specimen shall be considered a positive test result. A refusal to test or a failure to test within the two (2) hour window as set forth herein will also be considered a positive test result.
- m. 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:
- i. Coordinate 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.
    - 1. The findings of the assessment alone shall not prevent a student from attending school; and
  - ii. 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.



- n. While the student is at home because of the medical examination or after his or her return 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.
  - i. The findings of these additional evaluations alone shall not be used to prevent a student from attending school.
  - o. 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.

## H. Handling of Alcohol or Other Drugs

- 1. A student's person, vehicle on school property, effects, or school storage places may be searched for substances in accordance with 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 law enforcement officials 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 local law enforcement.



- c. The Principal or designee shall provide to the local law enforcement all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
    - i. The identity of all persons who had custody of the substance of paraphernalia following its discovery or seizure; and
    - ii. The identity of the student believed to have been in possession of the substance or paraphernalia.
  - d. 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. Admissions of substance abuse will be consequenced.
- I. 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 law enforcement.
  3. The Superintendent or designee shall provide to the law enforcement all known information concerning the matter, including the identity of the student involved.
  4. 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. Admission will be consequenced.



5. 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) of (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.

## J. 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 places convenient to parents 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 the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;
  - 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 Policy and Regulation on substance abuse with attention to the role of parents.



- f. In addition to the substance abuse education program required pursuant to N.J.S.A. 15A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

## K. 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 substances pursuant on 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 which 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 the 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 K.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 the Regulation 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).

Approved: 15 January 2013

Revised/Reissued: 18 October 2016; \_\_\_\_\_

