



**PINE HILL BOARD OF EDUCATION**  
**School Board Policy**  
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## **5530- SUBSTANCE ABUSE**

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**

For the purposes of this policy:

1. "Drug and Alcohol Assessment" means a drug screen conducted at a licensed physician's office, and verified by a certified laboratory used to determine whether or not a student is under the influence, and/or if a student is using substances
2. "Medical Examination" means an examination performed by a licensed physician to determine whether or not drugs or alcohol interfere with a student's mental and/or physical ability to perform in school
3. "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.
4. "Intervention" means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
5. "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.
6. "Involved with substances" means that the pupil is influenced by the use of substances by the pupil or a member of his/her family, whether or not on school premises or during the school day. A suspicion or determination that a pupil is involved with substances does not depend on a finding that the pupil is immediately under the influence of a substance or possesses or distributes a substance on school premises.
7. "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 that 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.
8. "Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, any chemical or chemical compound that 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. 2A:170-25.9 or over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
9. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
10. "Under the influence" of substances means that the pupil is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

**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 a substance on school premises, at any event away from the school premises that is sponsored by this Board, and on any transportation vehicle provided by this Board.

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 offense, the nature of the problem and the pupil's needs. Discipline is outlined in the District Regulation and may include suspension or expulsion. The Board may establish consequences for a pupil not following through on the recommendations of an assessment or evaluation for alcohol or other drug abuse and related behaviors. The Superintendent and/or designee will notify the appropriate law enforcement agency when necessary 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 instruction on the nature and effects of substances and tobacco. The program will be included in the health education curriculum and conducted in accordance with law, rules of the State Board of Education, and Policy No. 2422.

**Identification, Evaluation, Assessment, and Intervention and Referral Services**

**N.J.S.A.18A:40A-10 through 18A:40A-17  
N.J.A.C. 6A:16-3.1; 6A:16-4.1; 6A:16-4.2**

All staff members shall be alert to signs of substance abuse by pupils and shall respond to those signs in accordance with district regulations.

The provision of assessment or evaluation services for pupils who are affected by alcohol or other drug use shall include any of the following:

1. Assessments by an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or by an individual who holds one of the following endorsements on the Educational Services Certificate: 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 pursuant to N.J.A.C. 6A:16A-4-1c(6i)
2. Examinations and assessments by a physician for the purpose of determining whether alcohol or other drug use interferes with pupil's physical and mental abilities to perform in school or pupils are under the influence of alcohol or other drugs pursuant to N.J.A.C. 6A:16A-4-1c(6ii)
3. Referrals for evaluation to community agencies or to out-of-state agencies pursuant to N.J.A.C. 6A:16-4.1(6)iii
4. Evaluations by the Child Study Team to determine pupil's eligibility for special education and related services pursuant to N.J.A.C. 6A:14-3.5

The provision of intervention, referral for evaluation and referral for treatment services for pupils who are involved with substances use shall be provided by an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners or by an individual who holds one of the following endorsements on the Educational Services Certificate: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker or student personnel services and is trained in alcohol or other drug abuse intervention, assessment, referral for evaluation and referral for treatment skills.

The intervention, referral for intervention and referral for treatment services shall include any of the following:

1. Provisions for a program of instruction, counseling and related services provided by the district board of education while a pupil is receiving medical treatment for a diagnosed alcohol or other drug dependency problem pursuant to N.J.A.C. 6A:16-4.1c7ii(1)
2. Referral to community agencies or to out-of-state agencies pursuant to N.J.A.C. 6A:16-4.1c(7)ii(2)
3. Provisions for support services for pupils who are in, or returning from medical treatment for alcohol and other drug dependency pursuant to N.J.A.C. 6A:16-4.1c(7)ii(3)
4. A special class, course or educational program designed to meet the needs of pupils with alcohol or other drug use problems pursuant to N.J.A.C. 6A:16-4.1c(7)ii(4)

### Reporting Procedures

**N.J.S.A. 18A:40A-12 et seq.;**  
**N.J.A.C. 6A:16-4.3 et seq.;** **N.J.A.C. 6A:16-6.1**

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, other than anabolic steroids, on school grounds, including on a school bus or at a school-sponsored function must report the matter as soon as possible to at least one of the following:

1. The Principal or his designee
2. The certified school nurse or noncertified nurse
3. The Substance Abuse Coordinator
4. The staff member responsible for the school function (if the previously named persons are not in attendance) pursuant to N.J.A.C. 6A:16-4.3 (a)(1)

In the response to every report by an educational staff member, or other professional, of suspected pupil alcohol or other drug use, the building Principal or his designee must do the following pursuant to N.J.A.C. 6A:16-4.3 (a)(2):

1. Immediately notify the parent
2. Notify the Superintendent
3. The Superintendent as chief school administrator 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
4. Arrange/provide constant supervision of pupil suspected to be under the influence
5. Arrange for an immediate (within 24 hours) medical examination for 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
  - a. The medical examination pursuant to N.J.A.C. 6A:16-4.3(a)2ii shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent
  - b. When the medical examination is conducted by a physician selected by the parent, the examination shall be at the expense of the parent and shall not be at the expense of the district board of education
  - c. If the physician chosen by the parent is not immediately available the medical examination shall be conducted by the school physician

- d. If the school physician is not available, the pupil shall be accompanied by a parent or member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination
- e. When the medical examination is conducted by the school physician or at the nearest hospital, the examination will be at the expense of the district board of education
- f. A written report of the medical examination shall be furnished to the parent, the principal and the superintendent as chief school administrator by the examining physician within 24 hours of the referral of the pupil for suspected alcohol or other drug abuse
1. Refusal by a parent and/or pupil to comply with this requirement shall be treated as a policy violation and handled in accordance with District Regulations pursuant to N.J.A.C. 6a:16-4.3(d) et seq.; N.J.A.C. 6a:16-4.3(e)
- g. If it is determined that the pupil is currently under the influence of alcohol or other drugs because the drug and alcohol assessment is positive, the pupil will be subject to discipline according to the District Regulation
- h. 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 and the initial drug and alcohol assessment is negative, the pupil may immediately return to school
- i. If there is a positive determination from the medical examination, indicating that the pupil's alcohol or other drug use interferes with the pupil's physical and mental ability to perform in school:
1. The student shall be returned to the care of a parent
  2. Attendance at school will not resume until a written report from a licensed physician is submitted verifying that the pupil's alcohol or other drug use no longer interferes with the pupil's physical and mental ability to perform in school
  3. The individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners shall conduct a reasonable investigation of the situation, which may include interviews with the pupil's teachers and parents and consultation with experts in student alcohol or other drug abuse as may be appropriate and necessary
  4. The pupil will have another drug and alcohol assessment to make a positive determination of a student's need for programs and services which extend beyond the general school program as necessary pursuant to N.J.A.C. 6A:16-4.4(a)13
    - a. The findings of the assessment and or additional evaluations alone shall not be used to prevent a pupil from attending school pursuant to N.J.A.C. 6A:16-4.3(a)12i and N.J.A.C. 6A:16-4.3(a)13i
- j. If at any time it is determined that the pupil's use of alcohol or other drugs presents a danger to a pupil's health and well-being, an individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement shall initiate a referral for alcohol or other drug abuse treatment pursuant to N.J.A.C. 6A:16-4.3(14)
- k. The district board may provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 et seq.; N.J.A.C. 6A:16-8
- l. The district board of education will be responsible for providing education for students participating in any treatment programs

m. The district board of education will work with the student's parent and insurance provider as a secondary means of payment when a student seeks treatment and/or counseling services

**Anabolic Steroids**

**N.J.A.C. 6A:16-4.3(b)  
N.J.S.A. 18A:40A-12(b)**

In instances involving the suspected use of anabolic steroids any teacher, staff member, or other educational personnel shall report the matter as soon as possible to the principal or his designee pursuant to N.J.A.C. 6A:16-4.3 (b)

In the response to every report by an educational staff member, or other professional, of suspected pupil alcohol or other drug use, the principal or his designee must do the following pursuant to N.J.A.C. 6A:16-4.3 (b)1

1. Immediately notify the parent
2. Notify the Superintendent
3. The superintendent as chief school administrator 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
4. Arrange for the pupil to be examined as soon as possible to determine whether the pupil has been using anabolic steroids (immediate examination not required)
5. The examining physician will provide a written report of the examination to the parent, and building administrator pursuant to N.J.A.C. 6A:16-4.3 (b)4
6. If it is determined that the pupil has used anabolic steroids, the individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners will 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 referral for treatment N.J.A.C. 6A:16-4.3 (b)5
7. If the results of a referral for evaluation positively determine that the pupil's involvement with and use of anabolic steroids represents a danger to the pupil's health and well-being, the individual who holds the Educational Services Certificate with the substance awareness coordinator endorsement issued by the New Jersey State Board of Examiners will initiate a referral for treatment to:
  - a. Appropriate community agencies defined in N.J.A.C. 6A:16-4.1 (b)
  - b. Out-of-State agencies licensed by the appropriate state regulatory agency for alcohol and other drug services
  - c. Private practitioners certified by appropriate drug and alcohol licensing board

**Law Enforcement**

**N.J.A.C. 6A:16-4.3**

The superintendent as chief school administrator 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 chief school administrator 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 involved or implicated in distribution activities regarding controlled dangerous substances

**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 employee who in good faith reports a pupil to the Principal, the Principal's designee, the school physician, the substance awareness coordinator, the School Nurse, or the person in charge in an attempt to help such pupil cure his/her abuse of substances shall not be liable in civil damages as a result of making any such report

### **Confidentiality**

**N.J.S.A. 18A:40A-7.1 et seq.; N.J.S.A 18A:40A-8 et seq.;  
N.J.S.A. 18A:40A-22 et seq.; N.J.A.C. 6A:16-3.2**

Alcohol and drug abuse patient records and information provided by an elementary or secondary school pupil while participating in a school-based drug and alcohol counseling program which indicates that the pupil's parent or other person residing in the pupil's household is dependent upon or illegally using substances shall be kept confidential and may be disclosed only under the following circumstances:

1. The pupil provides written consent to another person specified in writing, (secondary student) or to a member of the pupil's immediate family or the appropriate school personnel (elementary student)
2. Pursuant to a court order
3. A person engaged in a bona fide research purpose, however no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided
4. The Division of Child Protection and Permanency or to a law enforcement agency, if the information would cause a person to reasonably suspect that the elementary or secondary school pupil or another child may be an abused or neglected child

Nothing in this section shall be construed as prohibiting DCP&P or a law enforcement agency from using or disclosing information in the course of conducting an investigation or prosecution or as authorizing the violation of any federal law

### **In-Service**

**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.

The in-service training should be updated at regular intervals in order to ensure that teaching staff members have the most current information

### **I. 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 a program of outreach 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.

### **Policy Preview 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 this policy in consultation with appropriate teaching staff members, with community members, as well as consultation with local substance abuse prevention, intervention and treatment agencies licensed by the State Department of Health and Senior Services and community representatives.

This policy and its implementing regulations 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.

**Nonpublic School 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 pupil's educational materials on substance abuse prepared and supplied by the Commissioner. The loan of such materials shall be at no cost to the district.

1<sup>st</sup> Reading: January 22, 2013

2<sup>nd</sup> Reading/Approval: February 26, 2013

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The Pine Hill Board of Education is an Equal Opportunity Employer