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DEMAREST BOARD OF EDUCATION
Demarest, NJ 07627

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Regulation

SUBSTANCE ABUSE

Possible Drug and Alcohol Related Situations

Whenever it shall appear to any teaching staff member, school nurse or other education personnel that a pupil may be under the influence of alcohol or other drugs, they shall report the matter as soon as possible to the school nurse or medical inspector (school physician) or a substance awareness coordinator and the principal.

- A. In the absence of the principal, his or her designee shall be notified.
- B. In instances where the school nurse, medical inspector (school physician), substance awareness coordinator, and the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.
- C. The pupil shall be removed to a protective environment for observation and care by the school nurse or medical inspector (school physician) until his or her parent(s) or guardian(s) can be contacted. This shall not be construed to limit or condition the right of the Board of education to seek emergency medical assistance for a pupil when acting in loco parentis, and as an agent of the parent(s) or guardian(s) and for the welfare of the pupil.
- D. The pupil's parent(s) or guardian(s) and the chief school administrator or his/her designee shall be immediately notified of the incident and shall be provided a description of the situation and symptoms.
- E. The principal or his or her designee shall arrange for an immediate examination of the pupil. The examination may be performed by a physician selected by the parent or guardian or by the medical inspector (school physician). If the chosen physician is not immediately available, the examination shall be conducted by the medical inspector (school physician), or, if the medical inspector (school physician) is not available, the pupil shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent or guardian should also accompany the pupil. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under the influence of alcohol or other drugs.
- F. If at the request of the parent or guardian, the medical examination is conducted by a physician other than the medical inspector (school physician), such examination shall not be at the expense of the Board of education.
- G. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.
- H. A written report of the medical examination shall be furnished to the parent or guardian of the pupil, the principal, and the chief school administrator by the examining physician within twenty-four (24) hours.
- I. If the written report of the medical examination is not submitted to the parent or guardian, principal and chief school administrator within 24 hours, the pupil shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.

SUBSTANCE ABUSE (continued)

Possible Drug and Alcohol Related Situations (continued)

- J. If there is a positive diagnosis from the medical examination indicating that the pupil is under the influence of alcohol or other drugs, the pupil shall be returned to the care of the parent or guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent or guardian of the pupil, the principal, and the chief school administrator, from a physician who examined the pupil, to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school.
- K. In accordance with N.J.A.C. 6A:16-4.3(d), refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.
- L. While the pupil is home because of the medical examination or after his or her return to school, the school may require additional evaluation for the purpose of determining the extent of the pupil's alcohol or other drug use and its effect on his or her school performance.

In addition, if there is a positive diagnosis, the pupil shall be interviewed by a substance awareness coordinator or other appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with alcohol or other drugs and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of alcohol or other drug abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Education.

- M. As required by law, the Board of education shall provide for the evaluation and referral for treatment of pupils whose use of alcohol or other drugs has affected their school performance or who possess or consume alcohol or other drugs in school or at a school function, as required by the definitions of evaluation and treatment contained at N.J.A.C. 6A:16-1.3. This shall include referral to the substance awareness coordinator. The Board of education is not responsible for the cost of any evaluation or treatment provided by any outside agency and/or organizations.
- N. If a pupil is identified as having an alcohol or other drug abuse problem and there is reason to believe that his or her education appears to be affected by the alcohol or other drug use, a screening by the Child Study Team will be conducted.
- O. While a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem, provisions for a program of intervention, curriculum and related services will be provided.
- P. Pupils who are in care or returning from care for alcohol or other drug dependency will receive proper referral and support services by the substance awareness coordinator, guidance counselor, or child study team personnel.
- Q. If the pupil is found in possession or under the influence of alcohol or other drugs, or has used or consumed, the pupil will be excluded from school and will only be readmitted at the

SUBSTANCE ABUSE (continued)

end of the exclusion after the receipt of the required medical certification that the pupil is physically and mentally able to return to school and after a conference has been held between the principal and the parent(s) or guardian(s). A plan to address those specific needs which a pupil may have shall be developed during this conference. The local police will be notified.

- R. If a pupil is found in possession or under the influence of alcohol or other drugs for a second time, then such pupil will be referred to the local police and a recommendation will be made by the principal to the Board of education concerning the expulsion of the pupil.
- S. In all instances involving the use of alcohol or other drugs, a Violence, Vandalism and Substance Abuse Incident Report shall be completed by the chief school administrator or his/her designee.
- T. Staff members implementing this policy will be indemnified under N.J.S.A. 18A:40A-13 and 18A:40A-14, a copy of which is attached hereto.
- U. Pupils possessing for distribution, or administering alcohol or other drugs (at any time on school grounds), as defined in this policy to others in school, at a school sponsored activity, or out of school, shall be immediately referred to the principal. The principal shall immediately notify the police and the parents and transfer the pupil to home instruction and will make the appropriate recommendations to the Board of education concerning the expulsion of the pupil.
- V. When it becomes necessary to implement these procedures, a full written report of the incident will be immediately submitted to the chief school administrator who will forward the same to the Board of education at its next regularly scheduled meeting.

Recordkeeping Regarding Self-Discipline vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, substance awareness coordinator, and _____ Team and the administrator in charge of Guidance. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files. Only the content of student disclosures made thereafter to a substance awareness coordinator or _____ Team member will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:
 - 1. Be suicidal;
 - 2. Be assaultive (murder, rape, armed robbery intent);
 - 3. Have been abused;
 - 4. Be under the influence of drugs;
 - 5. Be in need of emergency medical treatment.

SUBSTANCE ABUSE (continued)

Definition Subchapter 6, Drug and Alcohol 6A:16-1.3

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Evaluation" includes, but is not limited to, the following:

- A. Procedures used to determine a pupil's need for an educational program which extends beyond the regular school program by virtue of the use of alcohol or other drugs by the pupil or the pupil's family.
- B. Examination by a physician for the purpose of diagnosing whether the pupil is under the influence of alcohol or other drugs.
- C. Evaluation by the Child Study Team to determine a pupil's eligibility or need for a special education program and/or related services due to involvement or consumption of alcohol or other drugs by the pupil or his/her family.
- D. Assessment by a teaching staff member or district Board of education service provider appropriately certified by the New Jersey State Board of Examiners and trained in alcoholism or other drug abuse to determine the extent of alcohol or other drug use and dependency by the pupil or his/her family. Such assessment may be made through the use of trained service providers, certified alcoholism or substance awareness coordinators who are acting as resource person(s) or in conjunction with a certified teacher or guidance counselor.

"Intervention and Treatment-Referral System"

Intervention and treatment-referral shall be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention. These programs and services shall include any of the following:

- A. Provisions for a program of instruction, counseling and related services provided by the district Board of education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem;
- B. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;
- C. Providing support services for pupils who are in care or returning from care for alcohol and other drug dependency, and/or;
- D. A special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

Immunity for educational and medical personnel, officers, or agents because of actions taken by virtue of act. 18A:40A-13.

No action of any kind in any court of competent jurisdiction shall lie against any teaching staff member, including a substance awareness coordinator, any school nurse or other educational personnel, medical inspector, examining physician or any other officer or agent of the Board of education or personnel of the emergency room of a hospital because of any action taken by virtue of the provisions of this act, provided the skill and care given is that ordinarily required and exercised by other such teaching staff members, nurses, educational personnel, medical inspectors, physicians or emergency room personnel. 1987, c. 387 § 6. eff. Jan. 13, 1988.

SUBSTANCE ABUSE (continued)

Civil immunity for educational personnel reporting pupils. 18A:40A-14

Any teacher, guidance counselor, school psychologist, school nurse, substance awareness coordinator or other educational personnel, employed by or in any of the public or private schools of this State, who in good faith reports a pupil to the principal or his/her designee to the medical inspector or school physician or school nurse in an attempt to help such pupil cure his/her alcohol or other drug abuse as defined in Section 2 of this Act, shall not be liable in civil damages as a result of making any such report.

Nothing in this section is intended to preclude the protections provided in Section 2 of P.L. 1981, c. 414(C. 2A:62A-4) or otherwise provided by law. 1987, c. 387 § 7, eff. Jan. 13, 1985.

Administrative Procedures for Urine Testing

- A. Pupils suspected of being under the influence of alcohol or other drugs in school or at a school related activity shall be immediately referred to the principal or his/her designee.
- B. If pupil denies alcohol or other drug involvement, the principal or designee contacts the child's parent or guardian to secure permission for urine testing at this time and a urine test upon returning to school or two weeks after the initial incident. REFER TO URINE TESTING PERMISSION FORM.
- C. A urine specimen is taken. For female pupils, it is taken in the presence of the school nurse. For male pupils, it is taken in the presence of a male administrator. As previously established, chain of custody documentation will be used for each specimen.
- D. The principal meets with the student, parents or guardians, and guidance counselor the next school day.
- E. Upon verification of alcohol or other drug abuse, suspension is set by the principal.
- F. Whether or not the parent consents to the urine test, the principal or his/her designee shall arrange for an immediate examination of the pupil. The examination may be performed by a physician selected by the parent or guardian or by the medical inspector (school physician). If the chosen physician is not immediately available, the examination shall be conducted by the medical inspector (school physician), or, if the medical inspector (school physician) is not available, the pupil shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent or guardian should also accompany the pupil. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under the influence of alcohol or other drugs.
- G. If at the request of the parent or guardian, the medical examination is conducted by a physician other than the medical inspector (school physician), such examination shall not be at the expense of the Board of education.
- H. In accordance with N.J.A.C. 6A:16-4.3(d), refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.
- I. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.

SUBSTANCE ABUSE (continued)

Administrative Procedures for Urine Testing (continued)

- J. A written report of the medical examination shall be furnished to the parent or guardian of the pupil, the principal, and the chief school administrator by the examining physician within twenty-four (24) hours.
- K. If the written report of the medical examination is not submitted to the parent or guardian, principal, and chief school administrator within twenty-four (24) hours, the pupil shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.
- L. If there is a positive diagnosis from the medical examination indicating that the pupil is under the influence of alcohol or other drugs, the pupil shall be returned to the care of the parent or guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent or guardian of the pupil, the principal, and the chief school administrator, from a physician who examined the pupil, to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school.
- M. Upon return to school or two (2) weeks after the initial incident, whichever occurs last, the student will have a urine test at the school nurse's office in accordance with the procedure outlined in letter C and only in the event of permission by the parent reflected on the "Urine Testing Permission Form."
- N. If the test, two (2) weeks after the initial incident is positive, then recommendation for expulsion may be made. Parents will be advised that an expulsion hearing will be held as per Board Policy No. 5210.
- O. All students who are found to be in violation of the Substance Abuse Policy will receive proper treatment including instruction and counseling services.

ANABOLIC STEROID USE

Instances Involving Anabolic Steroid Use

- A. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a pupil has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the principal or, in his/her absence, to his/her designee.
- B. The principal or his/her designee shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.
- C. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal.

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Instances Involving Anabolic Steroid Use (continued)

- D. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.
- E. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.
- F. Any staff member who reports a pupil to the principal or his or her designee in compliance with the provisions of this subsection 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 N.J.S.A. 18A:40A-14.

Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

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