

Township of Union Public Schools Union, New Jersey Board of Education Policy	File Code: 5131.6
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## **SUBSTANCE ABUSE**

### Introduction

A primary objective of a school system is to assure a safe and healthy environment for learning. Smoking in school buildings or on school premises is prohibited by law, endangers the safety of others, creates an unhealthy environment, is disruptive to the educational process and causes damage to school district property. It has been demonstrated that in order to effectively preclude smoking on school district property it is essential to ban student possession of tobacco products and smoking paraphernalia. Additionally, The Township of Union Board of Education deems it important to have an effective and comprehensive drug, alcohol and tobacco policy that addresses prevention, identification, assessment, referral for evaluation, referral for treatment and aftercare services.

### I. REVIEW AND AVAILABILITY OF POLICIES AND PROCEDURES

A. In April of each year this policy will be submitted by the Superintendent or designee to the following agencies for input:

1. Township of Union Municipal Alliance Committee.
2. Township of Union Police and Health Department, or to such other agencies as may be designated from time to time by the New Jersey Department of Health.

### B. Annual Review

The Board will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, the Superintendent will make recommendations and consult with the County Superintendent, local community members, and the County Prosecutor's office.

### C. Availability of Policy

This policy will be included in the district's faculty instructions, student handbooks, and shall be made available to parents/guardians annually.

#### D. Rules of Construction

This policy is to be construed in a manner consistent with the Governance Manual of the Township of Union Board of Education. To the extent this policy is inconsistent with any policy or regulation set forth in the Governance Manual of the Township of Union Board of Education, then this policy shall take precedence over such inconsistent policy.

## II. DEFINITION OF TERMS USED

The following terms, when used throughout this policy, are intended to be interpreted as follows:

### A. Substances

To include but is not limited to: any alcoholic beverage, anabolic steroids, tobacco or tobacco products, controlled dangerous substances as defined in Section 2 of P.L. 1970, c.266 (N.J.S.A. 24:21-2) 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.2A:170-25.9; N.J.S.A. 18A:40A-9; N.J.S.A. 2C:35-2 and N.J.A.C. 6A:16-4.1 and all mind altering, mood altering, non-prescription drugs including any product containing performance enhancing chemicals, including but not limited to anabolic steroids.

To also include any form of a tobacco substance or tobacco paraphernalia, over the counter medicine or (nutritional supplement) **banned performance enhancing supplement.**

NOTE: No medication prescription drug or over the counter medicine or nutritional supplement is to be administered or carried to school without parent and doctor written consent, which shall be filed, in advance, with the school nurse. **(See policy 5141.21)**

### B. Substance Abuse

Possession of any substance with the intent to distribute or use by ingestion, injection, inhalation and/or the appearance of being under the influence of such substances for other than medical purposes as directed by a physician.

#### C. Substance Dependent

When the pupil's abuse of substances is indicative of any or all of the following: physical or psychological dependency, deterioration in attendance, academics, physical appearance, behavior and relationships.

#### D. Voluntary Pupil Request for Assistance

A voluntary, self-initiated request or admission by a pupil for counseling and/or treatment that is NOT in response to questioning initiated by the administration, staff member or Student Assistance Counselor or following the discovery of a banned substance or substance paraphernalia by administrators, staff members or the Student Assistance Counselor. Information received by the Student Assistance Counselor in a confidential setting which identifies another pupil who may be abusing substances may be interpreted as a voluntary request for assistance.

#### E. S.A.C.

Substance Awareness Coordinator/ Student Assistance Counselor

#### F. Assessment

Assessment is an evaluation conducted by a trained and licensed professional who is certified by the State Board of Examiners of the New Jersey Department of Education as substance awareness coordinators or by individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school social worker, or student personnel services, professionals who are trained to assess alcohol and other drug use. This assessment will determine the extent of the pupil's suspected involvement with substance abuse/dependency, its effects on school performance, and shall provide an appropriate referral for evaluation and/or treatment when necessary.

#### G. Referral for Evaluation and/or treatment to an Outside Service Provider

An individual, group or community agency not associated formally with the school district that is appropriately certified by the New Jersey Board of Examiners and trained to diagnose and treat substance abuse. This referral shall be made by a trained and licensed professional who is certified by the State

Board of Examiners of the New Jersey Department of Education as substance awareness coordinators or by individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school social worker, or student personnel services and who are trained to assess alcohol and other drug use.

#### H. Intervention & Referral Services (I & RS)

A building based interdisciplinary committee, appointed by the Principal or designee, whose members provide the pupil with a systematic problem solving approach designed to increase both personal and academic success. I & RS members receive intensive training to identify specific high-risk behaviors which may be preventing a pupil from reaching success including but not limited to behaviors typically associated with substance abuse. I & RS may seek to rule out substance abuse and recommend a pupil be tested.

I. "immediate medical examination" = within 2 hours of initial referral.

#### J. Medical Examination

To be performed by a physician licensed in the state of New Jersey to practice medicine or osteopathy. The purpose of this medical examination is to provide appropriate healthcare for the pupil while determining whether the pupil is currently under the influence of alcohol or other drugs.

The district, in cooperation with the medical professional(s) shall establish the minimum requirements for the medical examination to include but not be limited to the collection of urine for analysis of alcohol and/or other drug use screening and/or anabolic steroid use screening, including chain of custody procedures.

### III. REPORTING, NOTIFICATION AND EXAMINATION PROCEDURES FOR SUBSTANCE ABUSE, (Other Than Anabolic Steroids, & Tobacco or Tobacco Products)

In instances involving substances, the following shall apply:

A. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence or in possession of a substance on school property or at a school function shall immediately report this matter to the school nurse and principal or designee. In instances where the school nurse, or the principal are not in attendance, the staff member responsible for the school function shall (be immediately notified to) initiate **the procedures in this** policy. If symptoms are serious or life threatening, the responsible person shall call 911 immediately.

In instances of suspected use or possession of a non-prescription drug and/or a performance enhancing substance, over the counter medicine or (nutritional) **banned performance enhancing** supplement, the school Principal or Designee will determine whether or not the testing procedure is necessary.

B. The pupil shall be removed to a protective environment for observation and care by the school nurse or responsible staff member. The principal or designee shall request the assistance of the school nurse in assessing the physical state of the pupil. A search shall be conducted at this time (see section XVIII). The Principal may, at any time, seek emergency medical assistance for a pupil when acting in loco parentis, and as an agent of the parents/guardians, and for the welfare of the pupil.

C. In response to every report by an educational staff member or other professional the principal or designee shall make every reasonable effort to immediately (verbally) notify the pupil's parent/guardian and the Superintendent of the incident and to provide them with a description of the situation and symptoms.

D. Within 2 hours of initial report and in consultation with the parent/guardian, if available, the principal or designee shall arrange and confirm by telephone an immediate medical examination of the pupil. This examination may be performed by:

1. The school physician or;
2. The emergency room of a local hospital or;
3. A physician licensed to practice medicine or osteopathy selected by the parent/guardian.

If the physician chosen by the parent/guardian cannot immediately perform the examination, then either the school physician or the emergency room of a local hospital shall conduct the examination.

The child will be accompanied by his/her parent/guardian, if immediately available, or accompanied by a member of the school staff designated by the principal or designee.

4. Except when the child's personal physician is used, all costs from testing and examination by the school physician shall be assumed by the Board of Education. Testing by a facility/physician other than the school physician shall become the sole responsibility of the parents/guardians.

All costs of treatment shall be the sole responsibility of the parents/guardians

5. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.

6. A written report of the examination, including a copy of the laboratory report, must be received by the parents/guardians and the principal or designee from the examining physician within 24 hours of the referral of the pupil for suspected alcohol or other drug use. This report must identify the substance used (if any), specify the diagnostic test(s) used and must interpret the results. The written report of the medical examination must also verify (that alcohol or other drug use does not interfere with the pupil's physical and mental ability to perform in school) **the child's fitness to return to school in order to be readmitted to school.** The parent/guardian is required to authorize in writing the release of this report to the district S.A.C. or designee.

When a physician other than the school physician performs the medical examination, the district shall require the parent to verify that a medical examination was performed within 2 hours of the initial referral. Such verification shall be provided by the examining physician and must include at the minimum: the signature; printed name address and phone number of the examining physician; date and time of the examination; must indicate that the written report required herein is pending, and must note the date by which the report will be provided.

E. When there has been no admission of use by the pupil, written confirmation from the examining physician stating that the pupil has been examined and may immediately return to school must be presented to school officials. Only then will the pupil be allowed to return to school subject to removal if a positive diagnosis of substance use is received.

F. When it is positively admitted/determined from the medical examination, that a pupil's alcohol or other drug use interferes with his/her physical and mental ability to perform in school or the student was in possession of a substance, and/or the pupil or parent/guardian has refused to comply with Section III D,

1. A positive test result will be assumed.
2. The pupil shall be immediately returned to the care of a parent/guardian, suspended, and may be placed on a continuing education alternative. The cost of the continuing education alternative may be paid fully by the Board of Education.
3. Attendance at school shall not resume until the following conditions have been met:
  - a. The discipline imposed has been completed.
  - b. The Medical Examination has been completed and a report has been received indicating the pupil to be physically and mentally capable of performing in school.
  - c. Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14-2.8

4. While the pupil is at home because of the medical examination or after the pupil returns to school an Assessment and/or Referral for Evaluation and other evaluations recommended by the district's S.A.C. or principal or chief school administrator will be required. This assessment shall include a reasonable investigation of the situation for the purpose of making a preliminary determination of the pupil's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the pupil. The findings of the assessment alone shall not be used to prevent a student from attending school.

The assessment process allows for the cooperation with community agencies as defined by N.J.A.C. 6A 16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.

If at any time the pupil's use of substances presents a danger to the pupil's health and well-being, the S.A.C. or individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school social worker, or student personnel services, and who are trained in alcohol and other drug abuse treatment referral, shall initiate a referral for substance abuse treatment.

Upon request **by the parent/guardian**, a written report resulting from an Assessment and/or referral for evaluation by an Outside Service Provider (must be submitted to the parent/guardian of the pupil and the principal or designee) **must be provided**. This report shall certify that substance abuse no longer interferes with the pupil's physical and mental ability to perform in school. This report shall also offer recommendations for care and treatment.

(A second physician's visit may be required to obtain such certification.)

All costs resulting from a second physician's visit other than the school physician as well as all costs necessary to follow up with care and treatment recommendations for the pupil shall be the sole responsibility of the parent/guardian.

G. In instances when there has been no admission of use followed by a negative laboratory report, an Assessment by the district S.A.C. and/or Outside Service Provider may still be required.

H. In instances where it has been determined that either the pupil or the parent/guardian has been non-compliant with the In-house Assessment process, an immediate referral for evaluation by an Outside Service Provider shall be made. All costs for the evaluation by an Outside Service Provider and/or treatment shall be the sole responsibility of the parent/guardian.

I. The school district will be guided by and support appropriate recommendations for care and treatment made as the result of an assessment or evaluation. The school district also recognizes that returning pupils will need direction and support to maintain the appropriate behavior expectation of the school district. Accordingly, as a condition of resuming attendance at the school, the school district may require the pupil to:

1. Participate in individual and/or support group counseling by the S.A.C.
2. Participate in a continuing aftercare program if recommended by the treating medical personnel.

J. Non-compliance with Section III will result in a (recommendation) **referral** to DYFS (see Section IX: Referral to Division of Youth and Family Services). In addition, the pupil may be further excluded from school and placed on a continuing educational alternative. Attendance at school shall not resume until such compliance has been met.

#### IV. NOTIFICATION OF THE CHILD STUDY TEAM

In the case of a classified pupil, the Case Manager will be notified before any disciplinary action is taken under this policy.

#### V. DISCIPLINE

- 1<sup>st</sup> Offense - Parent/Guardian meeting with administration.  
A three (3) day out-of-school suspension followed by five (5) school days exclusion from extra-curricular activities.  
Police may be notified.  
Mandatory follow-up with S.A.C. upon return to school.

- 2<sup>nd</sup> Offense - Parent/Guardian meeting with administration.  
A five (5) day out-of-school suspension followed by twenty (20) days exclusion from participation in extracurricular activities.  
Police may be notified.  
Mandatory follow-up with S.A.C. upon return to school.
- 3<sup>rd</sup> Offense - Parent/Guardian meeting with administration.  
A ten (10) day out-of-school suspension with recommendation by the Principal to the Superintendent for a hearing for expulsion followed by thirty-five (35) school days exclusion from participation in extracurricular activities.  
Police may be notified.  
Mandatory follow-up with the S.A.C. upon return to school.

C. Right to Appeal: Any parent/guardian may appeal first to the Superintendent and, if still not in agreement, may appeal to the Board of Education any action taken against their child pursuant to this policy. Such appeal must be in writing and signed by the parent/guardian.

## VI. INCIDENT REPORTS AND RECORD KEEPING

A. In all instances involving the use of **banned** substances, a Violence, Vandalism and Substance Abuse Incident Report shall be completed and processed.

B. Any substance abuse reports or records made or kept pursuant to any of the provisions of this policy shall be placed in the S.A.C.'s record file of the affected pupil and shall remain confidential. Such reports or records shall not be released other than for purposes directly connected with this policy without the consent of the pupil and/or parent/guardian unless the school district is otherwise required to release such information.

No person having legitimate access to such reports or records shall disclose same or any portion of same except in a manner authorized by law.

## VII. REPORTING, NOTIFICATION AND EXAMINATION PROCEDURES FOR ANABOLIC STEROID ABUSE

A. Any teaching staff member, coach, or other school personnel, who has reason to believe that a pupil has used or may be using or in possession of an Anabolic Steroid or N.J.S.I.A.A. banned performance enhancing substance shall report the pupil as soon as possible to the principal or designee.

B. The principal or designee shall make every reasonable effort to immediately notify the pupil's parents/guardians and the Superintendent of the incident and to provide them with a description of the situation and symptoms. Notification shall be confirmed in writing.

C. In consultation with the parents/guardians, if available, the principal or designee shall arrange for a medical substance abuse evaluation of the pupil as soon as possible. This evaluation should be performed by a facility/physician specializing in the detection of Anabolic Steroid use.

D. Follow the same procedures as outlined in Section III, D - J.

## VIII. PROHIBITION OF STUDENT USE OR POSSESSION OF TOBACCO, TOBACCO PRODUCTS OR SMOKING PARAPHERNALIA

A. The use or possession by pupils of tobacco, tobacco products or smoking paraphernalia is prohibited on school district property or facilities, in school buildings, on school buses, or at school district sponsored events off school district premises. While on school property, buses or at school sponsored events, students shall not possess cigarettes, or other smoking materials such as tobacco, pipes, cigarette rolling papers or cigarette lighters. Offenders shall be subject to disciplinary action. Discipline shall escalate for repeated violations. Upon the first offense, complaints shall be filed in municipal court against offenders for violation of ordinances or laws prohibiting smoking on school premises and offenders shall be subject to fines and penalties imposed under such laws and ordinances.

B. In accordance with law and/or Board of Education policy, there shall be no smoking or use of smokeless tobacco by anyone at any time, anywhere on Board of Education property, i.e., buildings, grounds or transportation vehicles supplied by the Board. In addition, pupils are prohibited from smoking or using smokeless tobacco at events sponsored by the Board away from school. Pupils are prohibited from leaving school grounds during the school day for any reason, including smoking, unless school protocols are followed, **in accordance with school rules.**

C. The building principal or designee shall be responsible for enforcement of the prohibition against pupil use or possession of tobacco, tobacco products or smoking paraphernalia. All pupils are advised that school authorities will take all reasonable steps to prevent the possession or use of tobacco, tobacco products or smoking paraphernalia on school property, buses or at school sponsored events and to discipline those who violate this prohibition. When there is reason to believe that (inspection) **a search** is warranted the principal or designee shall authorize search and seizure procedures **in accordance with NJ Law and Section XVIII.**

#### IX. REFERRAL TO DIVISION OF YOUTH AND FAMILY SERVICES

Any parent/guardian who fails or refuses to arrange for the immediate medical evaluation of their child or to permit a proper Assessment of their child by school personnel as prescribed in this policy shall be referred to the New Jersey Division of Youth and Family Services for investigation of medical neglect. In addition, non-compliance with the provisions of N.J.S.A. 18A:38-25 and 18A: 38-31 shall be deemed in violation of the compulsory education laws.

#### X. PROCEDURES FOR SIGNIFICANT BEHAVIORS (CONSISTENT) **INDICATIVE WITH USE OF SUBSTANCES**

Any teacher or other school personnel who obtains information concerning recreational use of substances or witnesses significant changes in a pupil's behavior (consistent with) **indicative of** substance abuse shall report this information to the S.A.C.

#### XI. CONFIDENTIALITY OF PUPIL INVOLVEMENT IN INTERVENTION AND TREATMENT PROGRAMS

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential and apart from the general student file.

#### XII. VOLUNTARY PUPIL REQUEST FOR ASSISTANCE IN BECOMING SUBSTANCE FREE

A. A pupil's request for assistance in becoming substance free shall be reinforced and (commended) **encouraged**.

All staff members shall be open to pupils who approach them in genuine need of advice and counsel and in search of an empathetic listener and shall direct such a pupil to the S.A.C.

B. Immediate aid to the pupil shall be offered through the S.A.C. regarding any request for assistance.

C. The pupil shall be reassured of confidentiality by the S.A.C. except in the following instances:

1. When the pupil's health or safety is in imminent danger.
2. When withholding the information makes the S.A.C. an accessory to an illegal action.
3. When the information indicates that the health or safety of another individual is threatened.
4. When there is reason to believe that the student has been abused.

### XIII. PARENT/GUARDIAN SUBSTANCE ABUSE EDUCATIONAL PROGRAMS

Provisions shall be made for programs regarding substance abuse offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

### XIV. IMMUNITY

**As provided by NJ Law**, any school or medical personnel who shall report a pupil to the principal or designee in compliance with the provisions of this policy are held safe-harmless and shall not be liable for civil damages as a result of making such a report.

### XV. IN-SERVICE TRAINING

The Superintendent or designee shall arrange for all district employees to receive annual in-service training to make them aware of their responsibilities in accordance with Board policy.

### XVI. POSSESSION AND/OR DISTRIBUTION OF SUBSTANCES

The Board of Education of The Township of Union recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in matters relating to the use, possession, and distribution of substances and substance paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, adopt a formal Memorandum of Agreement with the appropriate law enforcement authorities. The Memorandum of Agreement shall be consistent with the School Zone Enforcement Code, Statewide Action Plan for Narcotics Enforcement and Attorney General's Executive Directive 1988-1.

### XVII. SUMMONING LAW ENFORCEMENT AUTHORITIES ONTO SCHOOL PROPERTY FOR THE PURPOSE OF CONDUCTING INVESTIGATIONS, SEARCHES, SEIZURES AND ARRESTS

Any school employee who has reason to believe any pupil or staff member is using or distributing substances or substance paraphernalia on school premises shall report same to the Superintendent, principal or designee. The Superintendent, principal or designee shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law

enforcement official, it is determined that further investigation is necessary, the Superintendent shall cooperate with the law enforcement authorities in accordance with the law and the administrative code. He/she shall provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any district rules have been violated and whether any discipline is appropriate. If an arrest is necessary, and no exigent circumstance exist, every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Superintendent, principal or designee shall immediately notify the pupil's parent/guardian whenever a pupil is arrested for violating any laws.

Whenever the Superintendent, or designee has summoned the police to a school, the reason the police were summoned and any pertinent information should be reported to the Board.

#### XVIII. PUPIL SEARCHES AND SECURING PHYSICAL EVIDENCE

The principal or designee may conduct a search of a pupil's person or belongings if the school official has a reasonable suspicion that the pupil is in possession of controlled dangerous substances, anabolic steroids, alcoholic beverages, tobacco or other substance as defined in this policy. This search may include a pupil's vehicle (acceptance of driving privileges on Board of Education property authorizes such a search). All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in New Jersey v. T.L.O., 469, U.S. 325 (1985).

If, as a result of the search, a substance or substance paraphernalia is found on school property, or at a school function, the individual discovering the item or substance shall immediately notify the principal or designee; the principal or designee shall immediately notify the Superintendent and the appropriate law enforcement agency, when warranted. The principal or designee shall ensure that the substances and/or substance paraphernalia is labeled and secured until law enforcement officials pick it up. The principal or designee shall contact the pupil's parent/guardian to inform them of the occurrence.

Statutory References:

N.J.S.A. 2A:62A-4, 2A:170-25.9, 2C:29-3a, 2C:33-16, 2C:33-17, 2C:35-1 et seq.  
See particularly: 2C:35-10, 9:17A-4, 18A:25-2, 18A:37-1, 18A:37-2, 18A:36-19.2,  
18A:40A, 18A:40A-1, 3, 4, 5, 9, 10, 11,12, 13, 14, 15,16, 18, 19, 24:21-2, 26:3D-  
15 through -21, 2C:35-7

N.J.A.C. 6:11-12.5, 6A:16-3.1, et seq., 6A:16-4.1, et seq., 6A:16-6.1 et seq.

Attorney General's Executive Directive No. 1988-1

Anti Drug Abuse Act of 1988 - November, 1988. Drug Free Workplace Act of  
1988  
Enacted November, 1988 (Pub. L. 100-690, title V, Subtitle D) 102 Stat. 4305-  
4308

Regulations Under Drug Free Workplace Act 54 F.R. 4946 (1/31.89)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records.

F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et at., 1987  
S.L.D. April 20, aff'd St. B. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983)

New Jersey v. T.L.O. 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud 94 N.J. 331 (1983)

Honig v. Doe 108 S. Ct. 592 (1988)

Palmer by Palmer v. Merluzzi 868 F.2d 90 (C.A.N.J. 1989)

Odenheim v. Carlstadt-East Rutherford Regional Board of Education 221 NJ  
Super 54 (Ch. Div. 1985)

Executive Directive No. 1988--1 Manual for the Evaluation of Local School  
Districts (P.T.M. No. 700.7, revised July 1988)

Uniform State Memorandum of Agreement between Education and Law  
Enforcement Officials, as amended.

Cross References:	1330	Use of school facilities
	1410	Local units
	5114	Suspension and expulsion/pupil due process
	5125	Pupil records
	5141	Health
	5141.1	Accidents
	5141.2	Illness
	5141.21	Administering medication
	5144	Discipline/punishment
	5145.12	Search and seizure
	6142.7	Drugs, alcohol and tobacco
	6154	Homework makeup work
		<b>Student Parking</b>

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