

POLICY

BOARD OF EDUCATION
LINCOLN PARK

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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; 6A:16-4.1

For the purposes of this policy:

"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 prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

"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.

"Evaluation" means those procedures used to determine a pupil's need for an educational program or treatment that extends beyond the regular school program by virtue of the use of substances by the pupil or a member of the pupil's family.

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"Intervention and referral to treatment" means those programs and services offered to help a pupil because of the use of substances by the pupil or a member of the pupil's family.

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 may include suspension or expulsion. The Board may establish consequences for a pupil not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The Superintendent and/or designee will notify the appropriate law enforcement agency 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, and Intervention
N.J.S.A. 18A:40A-11 through 18A:40A-17
N.J.A.C. 6A:16-3.1, 6A:16-4.1; 6A:16-4.2; 6A:16-4.3

Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to:

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1. The Principal (or, in the Principal's absence, to a person designated by the Principal); and
2. The certified or non-certified school nurse; or
3. The school physician; or
4. The Substance Awareness Coordinator.

The Principal or his/her designee, in response to every report, must immediately:

1. Notify the pupil's parent(s) or legal guardian(s);
2. Notify the Superintendent, and
3. Arrange for the immediate examination of the pupil by a physician selected by the parent(s) or legal guardian(s).
 - a. If the physician selected by the parent(s) or legal guardian(s) is not available to perform the examination, the examination will be conducted by the school physician.
 - b. The examination conducted, at parental request, by a physician other than the school physician will not be at district expense.
 - c. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
 - d. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s) and to the Superintendent.

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If it is determined that the pupil has been using anabolic steroids, the pupil and others, as necessary, shall be interviewed by a Substance Awareness Coordinator or individual who holds a school nurse psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse for the purpose of determining the extent of the pupil's involvement with substances and the possible need for referral for treatment. In order to make this determination, the staff member may conduct a reasonable investigation, which may include interviews with the pupil's teachers and school staff. The school staff member may also consult with physicians and such experts in the field of substance abuse as may be appropriate.

If it is determined the pupil's use of steroids represents a danger to the pupil's health and well-being, certificated staff as per N.J.A.C. 6A:16-4.3(b)4 will initiate a referral for treatment to:

1. Appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b); or
2. Out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services; or
3. Private practitioners certified by appropriate drug and alcohol licensing board.

All staff members shall be alert to signs of substance abuse by pupils and shall respond to those signs in accordance with administrative regulations. Any staff member to whom it appears that a pupil may be under the influence of a substance other than anabolic steroids on school property or at a school function, shall report the matter as soon as possible to:

1. The Principal (or, in the Principal's absence, to a person designated by the Principal) and
2. The school nurse or the school physician.

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3. If neither the school nurse or school physician is available, the staff member responsible for the function shall be notified.

The Principal or his/her designee shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.

The Principal must arrange for an immediate medical examination of the pupil:

1. By a doctor selected by the parent(s) or legal guardian(s) or,
2. If the parent(s) or legal guardian(s) doctor is not immediately available, by the school physician.
3. If neither the parent(s) or legal guardian(s) doctor nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination and diagnosis.

The pupil may be accompanied by the pupil's parent(s) or legal guardian(s) if possible and will be accompanied by a member of the school staff appointed by the Principal.

4. An examination conducted by a physician other than the school physician or the emergency room of the nearest hospital shall not be at district expense. Treatment will not be at Board expense.

If there is a positive determination from the medical examination of the pupil indicating the alcohol or drug use interferes with the pupil's physical or mental ability to perform in school:

1. The pupil will be returned to the care of the parent(s) or legal guardian(s) as soon as possible; and
2. Attendance at school will not resume until a medical report verifies the pupil's alcohol or drug use no longer interferes with the pupil's physical or mental ability to attend school.

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When a pupil's substance abuse or suspected substance abuse threatens the pupil's life or places the pupil and/or others in imminent peril, all procedures shall be expedited in accordance with the emergency. Policy No. 8441, Care of Injured and Ill Persons, may be implemented as appropriate, provided no component of the procedures implementing this policy is omitted.

The Board will provide intervention and treatment referral services by teaching staff members who are properly and appropriately certified and trained to render such services.

Such services will include instruction, counseling, and related services to a pupil who is receiving medical or therapeutic care for diagnosed substance abuse; referral to a community agency approved by the County Local Advisory Council on Alcoholism or Drug Abuse or the State Department of Health; support services for pupils who are in care or returning from care for substance dependency; and/or a special class or course designed to meet the needs of pupils with problems of substance abuse.

A substance abuser who has also been identified as potentially disabled shall be evaluated by the Child Study Team to determine his/her eligibility for special education and/or related services.

In-Service Training 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. In-service training shall prepare teachers to instruct pupils on substance abuse and inform teachers about the nature of substances, the symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, the legal aspects of substance abuse, and Board policy and regulations on substance abuse.

Outreach to Parents N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)7.

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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

Records §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C., and Implementing Regulations, 42 CFR Part 2

Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school. Information regarding a pupil's involvement in a school intervention or treatment program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.

If a secondary pupil involved in a school intervention or treatment program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only with; the pupil's written consent, to another person or entity whom the pupil specifies in writing; pursuant to a court order; to a person engaged in a bona fide research purpose; except that no names or other information identifying the pupil or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or to the Division of Youth and Family Services or to a law enforcement agency, if the information would cause a person to reasonably suspect that the secondary pupil or another child may be an abused or neglected child.

Nonpublic School Pupils N.J.S.A. 18A:40A-5; 18A:40A-17c

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The Board will lend to pupils attending nonpublic schools located in this district and to the parent(s) or legal guardian(s) of such pupils educational materials on substance abuse prepared and supplied by the Commissioner. The loan of such materials shall be at no cost to the district.

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, or the School Nurse 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.

Reporting Pupils to Law Enforcement Authorities
N.J.A.C. 6A:16-6.3(a)

The Superintendent, or designee, will report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully possessing or in any way is involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, on or within 1,000 feet of the outermost boundary of school property pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not involved or implicated in a current drug distribution activity.

Policy Review and Accessibility
N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.2(a) & (b)

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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.

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.
N.J.A.C. 6A:16-4.1 et seq.

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