# REGULATION



## 3218R- SUBSTANCE ABUSE

A. Definition

1. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.

2. "Substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, 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. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

3. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.

4. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

B. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

   a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance

during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:

(1) Immediately notify the Superintendent of Schools;

(2) Immediately meet with the teaching staff member;

(a) The Principal or designee may include another staff member in this meeting; and

(b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.

b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.

c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.

d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination to include a substance test.

e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.

f. The teaching staff member, prior to the medical examination and substance test, will be informed by the physician or the physician's designee on the type of testing to be completed and the substances that will be tested.

g. The teaching staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-

the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.

h. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.

2. The medical examination and substance test shall be used by the physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.

3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available.

4. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.

5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will:

a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the physician's determination.

b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.

(1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.

(2) The confirming substance test results must be provided to the physician within the time period required by the physician.

(3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to a have a confirming substance test considered by the physician.

c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.

(1) If the physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.

(2) If the physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff

member was assigned job responsibilities, the physician will report these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.

C. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.

   a. The teaching staff member may include a staff member or a representative of their choice in this meeting.

2. The Superintendent will provide the teaching staff member an opportunity to respond to the physician's determination.

3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member.

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