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5530R - SUBSTANCE ABUSE

The following regulations are established in implementation of Policy 5530 – Substance Abuse.

Procedure for Referral of Students Suspected to be Under the Influence of a Substance Other than Anabolic Steroids

1. Whenever it shall appear to any staff member that a student is presently under the influence of alcohol, drugs or any controlled dangerous substance, the staff member shall report the matter immediately to the school physician or nurse/non-certified nurse or the athletic trainer if present at an athletic contest, the Student Assistance Coordinator, and the Principal (or their designee) and arrange for the immediate and tactful transfer of the student to the nurse's office. It is not the role of any staff member to make the determination of whether a student is under the influence.
2. If a staff member observes the student to be in possession of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, they should secure the substance or drug paraphernalia and bring it immediately to the Principal or administrator in charge of the school building.
3. The staff member shall file a Violence, Vandalism and Substance Abuse Incident Report in accordance with N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3
4. The nurse will assess the student's physical condition and determine whether a medical emergency exists. The student shall remain under the care of the school nurse until the student is discharged to their parent/guardian, transported for a medical examination or discharged to law enforcement officials. It is not the nurse's role to determine if the student is under the influence of a substance.

Nothing herein shall be construed to limit or condition the right of the Principal or their designee to seek emergency medical assistance when required by the student's condition.

5. The Principal or his/her designee shall immediately notify the parent/guardian and the chief school administrator and arrange for the student's immediate medical examination (within two hours of the initial referral) by a physician licensed to practice medicine or osteopathy to determine whether the student is under the influence of alcohol or any controlled substance. The parent/guardian shall be directed to take the student for an immediate medical examination by either the Board's physician at the District's expense, or a physician of their own choosing which shall then be at the family's expense. If the examination is performed at the family's own physician, the



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medical examination must conform in all respects to the Board's criteria. If the examination does not conform to the necessary criteria, a positive result will be inferred. The student must proceed directly to the physician's office and is not permitted to take any actions which would compromise the results of the examination including, but not limited to, eating, drinking or ingesting any substance.

6. The medical examination shall be performed within two hours. If the student's own physician is unable to perform the examination within this timeframe, the examination shall be conducted by the school physician, or, if the school physician is not available, the student shall be taken to the emergency room of the nearest hospital or appropriately equipped medical facility for examination. The Board shall maintain a list of all appropriately equipped facilities.

7. The parent/guardian should accompany the student to the medical examination, however, if the parent/guardian cannot be reached or is unavailable to have the student tested within two hours, the student shall be accompanied by a member(s) of the school staff, designated by the Principal (or designee), to the office of the school-appointed physician, hospital and/or medical facility and shall ensure appropriate supervision of the student until the student is released to their parent(s) or other appropriate individual(s), including law enforcement personnel. Transportation to the examination will be provided by the Board of Education. If, in the opinion of the nurse, it is inadvisable for staff to accompany the student, emergency services will be called to transport the student to the nearest emergency room or approved medical facility.

If the medical examination, including the monitored drug screen, is not performed within the two hour timeframe, a positive drug result will be presumed.

8. The school will provide a Physician's Assessment Form that must be completed by the examining physician which includes the minimum requirements for urine and/or blood analysis to determine whether or not the student was under the influence of alcohol or a controlled substance including securing a monitored drug screen. The district, in cooperation with the examining physician or Board's medical inspector shall establish the minimum requirements to be used for the medical examinations which requirements shall be periodically reviewed and updated as needed. A breakdown of the screening criteria will be provided to the parents/guardians of students who are sent for a medical examination.

9. The school will provide a Physician's Report which must be completed by the examining physician and returned to the school by the parent/guardian within twenty-four (24) hours of the student being sent out for the immediate medical examination. The Physician's Report shall verify that the examination was performed within the



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two hour time limit, include the signature, printed name, address and telephone number of the examining physician and state the expected date that the Physician's Assessment Form, setting forth the results of the examination, will be provided. The Physician's Report must also certify that the student is physically and mentally able to return to school.

10. If the student admits to having used drugs/alcohol to any staff member, teacher or administrator, the above procedures will be followed with the modification that such admission will be considered when determining the student's suspension which shall begin immediately. The Board will not require a positive result from the screen.

11. If a student is suspected of using alcohol or drugs on the way to or during a school-sponsored function or field trip, the administrator, chaperone or a school designee shall secure appropriate medical attention for the student. The student will be taken to the nearest hospital for an immediate medical examination in accordance with these procedures. The Principal, Superintendent and parent will be notified and these procedures shall be implemented upon the student's return to school.

12. If an administrator is not immediately available on the scene, the school designee shall call the local police for medical assistance.

13. If an incident occurs off campus and an administrator or chaperone is not in possession of the drug and alcohol policy documentation, the student and parent are still responsible for providing the results of the medical examination and the monitored drug screen in accordance with these procedures.

14. Admission to Board-sponsored functions shall be denied to persons suspected to be under the influence of alcohol or drugs and such information shall be reported to the school administration as soon as practical.

Refusal to Comply with Policy/Procedures

Any student who does not comply with the procedures for an immediate medical examination shall be presumed to have a positive drug result and the procedures set forth herein will be followed including having the student undergo an alcohol/drug assessment within five (5) days of being sent for the evaluation.

Refusal or failure by a parent/guardian to comply with the provisions of this policy/regulation shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31 as well as the child neglect laws and may result in the filing a report of alleged child neglect with the Division of Child



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Protection and Permanency in accordance with N.J.A.C. 6A:16-11. A student's refusal to comply with the terms of this policy or the procedures hereunder shall be treated as a policy violation and handled in accordance with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.1(c)(2).

Participation in all extracurricular and/or co-curricular activities including athletics, prom, graduation and all other school activities will be denied until the student complies with this policy and these procedures.

Any student who does not comply with these procedures shall be immediately suspended for a period not to exceed 10 days. In such a case, the student shall not return to school until they provide proof of a negative drug screen and a copy of the report from the student's alcohol/drug assessment.

Student's Immediate Return to School

The student may temporarily return to school after being sent for the immediate medical examination upon presentation of:

- a. The Physician's Report (pending the results of any lab work within 24 hours) including the date and time from the examining physician which certifies that the student's alcohol or drug use does not interfere with the student's mentally or physical ability to perform in school; or
- b. Evidence that an immediate medical examination complying with the Board's requirements for same has been completed within the appropriate time frame.

Upon the school's receipt of the foregoing, the student will be re-admitted the next school day until receipt of the Physician's Assessment Form.

A student who receives a negative result from the medical examination shall be returned to school immediately.

Positive Results

A student who receives a positive drug screen as a result of the medical examination:

- a. Shall meet with the Principal, or their designee, their parent/guardian if requested, and the SAC;



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- b. Shall be immediately suspended in accordance with the terms of this policy; and
- c. Will be required to undergo an alcohol/drug assessment at an approved facility/professional, within five (5) days of being sent for the medical examination to determine the extent of the student's alcohol/drug use and/or abuse. The individual/agency performing the alcohol/drug assessment shall issue a report of their findings which shall include recommendations and/or options for Treatment, if applicable.

Thereafter, the student will be permitted to return to school upon the Board's receipt of the following:

- a. Evidence of a negative urine screen. The student must present evidence of a negative urine screen which shall meet or exceed the Board's criteria for the initial medical examination and includes assurances of the procedures utilized to obtain a clean urine/blood sample. Any results provided must include the same metabolic panel screen for substances with additional screens for Expanded Opiates, Steroids, and Ecstasy. This screen must also test for adulterants. Subsequent urine/blood screens shall be at the parent/guardian expense.
- b. A copy of the alcohol/drug assessment report. If the student is referred for Treatment, the selection of a treatment or evaluation facility shall be done by the parent/guardian and any expenses associated therewith shall be borne by the parent/guardian.
 - 1. The parent/guardian will be given a list of approved facilities from which to select their referral. Treatment must be approved by an agency or professional appropriately trained and certified by the NJ State Board of Examiners to provide substance abuse/chemical dependency services.
 - 2. The Student Assistance Coordinator may act on parent/guardian's behalf by contacting their program of choice.
- c. A signed release to permit the exchange of confidential information between school personnel and the appropriately licensed agency or professional who will be providing Treatment to the student.

Intervention & Treatment



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1. If a student will be absent from school due to Treatment for alcohol/drug dependency, the Student Assistance Coordinator shall:
 - a. Notify the building Principal, Vice Principal, Director of Guidance, Guidance Counselor, Nurse and Child Study Team member when appropriate.
 - b. Contact the Treatment facility to verify the student is in treatment for alcohol/drug dependency.
 - c. Arrange for the student to receive home instruction upon receipt of written verification from the Treatment facility that the student is presently under their care and advising as to the duration of the expected absence. The student's attendance shall be recorded in the same manner as any other student receiving home instruction for medical purposes
2. Participation in the in-school educational program simultaneously with Treatment will be at the discretion of the Principal with input from the Student Assistance Coordinator and the Treatment agency. The District may predicate a student's return to the in-school educational program upon the student's participation in their recommended Treatment program provided that continued participation in the Treatment program is documented.
3. Upon the student's successful completion of Treatment for alcohol/drug dependency:
 - a. Parents will provide a letter from the Treatment program stating that the student is physically and mentally able to return to school and outlining any aftercare plans/recommendations.
 - b. The student will meet with the Student Assistance Coordinator to establish a program for the school setting. This plan may include:
 - (1) Meetings with the Student Assistance Coordinator for counseling.
 - (2) Education on alcohol/drug dependency.
 - (3) Family meetings to ensure compliance with the Treatment facility's discharge plan.
 - (4) Compliance with any recommended aftercare programs.
 - (5) Referral to self-help support groups.



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- (6) Referral to child study team for evaluation for eligibility for special education programs.
 - (7) Meetings with the student's teachers.
4. Students who refuse to enroll/participate in or complete a recommended Treatment program shall be considered to be in violation of this policy. Parents/guardians who refuse to assure their child's attendance at such programs will be deemed in violation of N.J.S.A. 18A:40A-1 and may be reported to the Division of Child Protection & Permanency.

Reporting and Examination of Students Under the Influence of Performance Enhancing Substances ("PES")

1. In the event that any teacher staff member, certified or non-certificated nurse or other educational personnel has reason to believe that a student has used or may be using PES, that person must report the matter as soon as possible to the Principal (or the Principal's designee), and either the certified or non-certified nurse or school physician and the Student Assistance Coordinator.
2. The Principal or his/her designee shall immediately notify the parent/guardian and the chief school administrator and arrange for the student's immediate medical examination by a physician licensed to practice medicine or osteopathy to determine whether the student has been using PES.
3. The Superintendent or their designee may, but need not, disclose to law enforcement authorities the identity of a student suspected or found to have used or who may be using anabolic steroids. The Superintendent or their designee shall disclose to law enforcement authorities the identity of any student reasonably believed to be in possession of PES or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving such substances.
4. The Physician's Report and Physician's Assessment Form (as provided by the District) shall be furnished by the examining physician to the student's parent/guardian, the Principal and/or the Superintendent.
5. If it is determined that the student has used PES, the student shall be sent for an appropriate drug assessment to determine the extent of the student's involvement with and use of PES and possible need for referral for treatment. The District shall provide the identities of such facilities or professionals who are appropriately credentialed to perform such assessments. Other



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facilities/professionals may be considered provided they meet the District's criteria for licensure and hold the necessary credentials. The report of the assessment shall provide recommendations for Treatment, if appropriate.

6. In the event that Treatment is recommended, the Student shall be referred to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b) and shall undergo such Treatment as is recommended through the drug assessment.
7. Students who are referred under this policy shall be subject to the discipline and remaining procedures set forth herein.

Discipline

Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe and warrant additional and further disciplinary measures. Students who violate the substance abuse rules will be disciplined as follows:

- a. Being under the influence of alcohol or other drugs, possession, use or inducing others to use alcohol or drugs.
 1. First Offense: Out of school suspension for up to five (5) days and suspension from all extra-curricular activities/athletics for five full days after the student's return to school. Reinstatement to extra-curricular/athletic activities will be in accordance with school district policies.
 2. Second Offense: For a second offense in the same academic year, an out of school ten day suspension will be imposed including suspension from all extra-curricular/athletic activities as set forth above.
 3. Additional Offenses: All subsequent offenses will be handled in a progressive manner. Discipline will include any or all of the above-mentioned procedures including suspension, possible alternative school placement, and/or expulsion.

A student's offenses are cumulative from year to year while in attendance in the Nutley School District.

- b. Distribution. A student who is found to have been in possession of a controlled drug with intent to distribute shall be suspended until the next Board meeting when a recommendation for expulsion shall be made.



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- c. Discipline for a student's or parent's refusal to comply with this policy and these procedures is as set forth herein.

Students Voluntarily Seeking Help for Drug/Alcohol Related Problems

Students are encouraged to seek help for problems with or related to substance use. Student Assistance Coordinators are provided for direct assistance or confidential referral for students seeking help with substance use/abuse or other problems related to their substance use, or use by someone in a close relationship with them.

Assistance shall be available for students who experience difficulties with substance use, abuse, or related problems. If a student comes forward and seeks assistance, he/she shall be referred to the Student Assistance Coordinator who shall be available for counseling and referral for further evaluation and treatment. The student's right to confidentiality shall be protected in accordance with 42 C.F.R. Part 2 and N.J.A.C. 6A:16-6.5 except as specifically set forth therein. The Student Assistance Coordinator shall be responsible for informing the student of their rights to confidentiality and limits thereon. Students who seek assistance shall maintain full educational benefits.

All Student Assistance Program documents will be confidential and kept separate and apart from general student files.

Nothing contained herein shall preclude consultation by the Student Assistance Coordinator with those individuals having educational responsibility for the student in conformance with 42 C.F.R. Part 2 or N.J.A.C. 6A:16-6.5.

A student who voluntarily seeks assistance from a Student Assistance Counselor is not exempt from this policy. Any staff who suspects a student may be under the influence or who is found to be in possession of such substances, while on school property or at a school-sponsored event, shall be reported in accordance with these procedures.

Children of Alcoholics and from Chemically Dependent Families

Children who are identified as having parents, guardians, or family members with active alcoholism, substance abuse, or chemical dependency shall receive support services in the form of individual or group counseling, referral to community services, and referral to programs available within the school or community. The following guidelines are provided for handling these matters:



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1. Students at all levels shall be apprised of the confidentiality regulations prior to disclosing information to any Student Assistance Coordinator.
2. Students who self-disclose family alcohol/drug dependency will be provided support services; however, staff members shall be alerted to the potential for a referral to the Division of Child Protection and Permanency.
3. The Confidentiality Regulations are automatically waived in cases where any form of child abuse exists.
4. Parents/guardians with alcohol/drug dependency issues who request assistance for such problems will be provided with appropriate alcohol/drug dependency information and resources for assistance.
5. Parents/guardians who have been informed of detrimental effects resulting from a family member's alcohol/drug use and fail to take appropriate action shall be referred to the Division of Child Protection and Permanency.

Confidential Consultation with Parents Without a Student's Knowledge

1. Parents/guardians may contact the Student Assistance Coordinator and receive confidential voluntary consultation for concerns about a student's possible substance abuse without informing the student of such contact. The information obtained by the Student Assistance Coordinator during this meeting shall remain confidential and shall not be used for disciplinary action against the student.
2. Parents and/or guardians may request assistance in referrals, assessments and laboratory testing from the Student Assistance Coordinator.

Suspected Use of Substances Off Campus

The Nutley School District seeks to identify and assist students whose drug or alcohol use negatively impacts the student's school performance or behavior regardless of when it occurs.

If a staff member comes into possession of information relative to non-school related functions involving substance use by students, the staff member shall:

- a. Determine the reliability of the information and shall notify the building administrator and Student Assistance Coordinator of any incidents which the staff member reasonably believes to have occurred.



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- b. The building administrator shall determine whether a referral to law enforcement is required.
- c. The Student Assistance Coordinator may contact a student suspected to have engaged in off-campus substance use. The contents of this meeting will remain confidential; however, the Student Assistance Coordinator may contact the parent/guardian of the student(s) involved to advise of any concerns regarding the student's suspected off campus substance use.
- d. If the off-campus conduct causes a substantial disruption of school operations, pupils may be disciplined in accordance with law.

Possession or Distribution of Alcohol and/or Other Drugs

Students are prohibited from possessing, consuming, selling, transferring or distributing drugs/alcohol or paraphernalia in any form while at school, on school grounds, attending a school-related function on or off campus, and coming to and going from school and/or school-sponsored activities.

1. When a student is found to be in possession of any quantity of illegal substances, drugs, or alcohol on school grounds or at a school activity or on a school-provided mode of transportation or school-related trip, the administrator in charge shall contact the police to investigate.
2. An investigation shall be conducted immediately by the Principal/designee or school officer that may include a search of the student's person, possessions, effects or school lockers in accordance with Policy 5570.
3. The Principal/school officer conducting the search shall confiscate and secure any substance believed to be a controlled substance which is found in the pupil's possession.
4. Students found in possession of substances will be sent for an immediate medical examination as set forth above.
5. If a student is found to be involved in possession, sale, purchase, or transfer of drugs/alcohol and/or paraphernalia on school property or at a school function or within the Drug Free School Zone, the Principal or designee shall:
 - a. Notify local law enforcement personnel;
 - b. Notify the student's parents;
 - c. Arrange for the immediate medical examination of the student in accordance with these procedures.



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- d. Notify the Superintendent of schools.
- e. Notify the Student Assistance Coordinator.

I&RS/Child Study Team

A student experiencing substance use/abuse problems may be eligible for school-based intervention and services to remediate a disability which has negatively impacted a student's education or school based functioning. It is anticipated that the Student Assistance Coordinator will work collaboratively with members of the I&RS Team and, if appropriate, the Child Study Team, to ascertain whether the student is an appropriate candidate for referral and possible evaluation. Information shall be made available to members of these groups who have a need for the information in connection with their duties. In such cases, the regulations governing confidentiality shall apply to such individuals.

Classified students are not exempt from the Substance Abuse Policy and Procedures however removals of classified students shall be made in accordance with N.J.A.C. 6A:14-2.8

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