

POLICY

NUTLEY

BOARD OF EDUCATION

PUPILS

5530/Page 1 of 40

Substance Abuse

5530 SUBSTANCE ABUSE POLICY

POLICY STATEMENT

The Nutley Board of Education recognizes that substance abuse presents a problem in society and is a violation of law that presents a danger to the student involved and to other students. It is the Board's responsibility to provide a safe school environment and to help our students reach their potential. To this end, the Board has developed and implemented a proactive substance abuse policy to include clear procedures and a comprehensive student assistance program (SAP). The policy and SAP focus on rewarding positive behaviors and intervening upon the negative effects of alcohol/drug usage. The school administrators, teachers and counseling staff set forth the following objectives of our substance abuse policy:

1. We shall educate our students and our school staff on substance abuse including alcohol/drug abuse and tobacco and anabolic steroids.
2. We shall intervene with any student negatively affected by substance abuse including use by a peer, family member, or self.
3. We shall provide the opportunity for students who are currently involved in substance abuse to make behavioral and attitudinal changes.
4. We shall address the use, possession and distribution of alcohol and/or drugs and/or related paraphernalia by offering clear guidelines, procedures and due process related to the use and/or possession on school property and at school activities.

DISCIPLINE

Students are prohibited from possessing, consuming, or distributing drugs or alcohol in any form while at school, in co-curricular and extra-curricular programs, on school grounds, and when attending a school-related function on or off campus. Students are further prohibited from smoking cigarettes or using other tobacco products in any form in school buildings, on any school grounds, in co-curricular and extra-curricular programs, and when attending a school-related function on or off campus.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 2 of 40
Substance Abuse

In accordance with state and federal laws and regulations, students suspected of being “under the influence” shall be subject to medical examination at the parent/guardian’s expense, suspension and other disciplinary measures as established by this policy.

The Board pledges its full cooperation with law enforcement officials in the conduct of their duties to maintain a drug free school zone in a cooperative agreement between the school district and Nutley Police. The Board will abide by the Memorandum of Agreement Between the School District and Law Enforcement Agencies. Students and their parent(s)/guardian(s) are advised that New Jersey laws may require additional penalties beyond school sanctions for drug-related offenses on and off school grounds in accordance with Drug Free School Zones statute. A summary of these laws and their penalties will be provided annually to students, and their parents or guardians, in a conspicuous manner.

The Board intends to use the disciplinary sanctions of this policy as a means of helping students recover from the debilitating effects of substance abuse. It is in this spirit that the development and enforcement of this policy is intended.

CIVIL IMMUNITY

Staff members are required by law to report any student suspected of being under the influence of, or having problems related to, drugs and/or alcohol through the district procedures. Staff members reporting students “in good faith” are immune from civil and criminal prosecution. No action, administrative or otherwise, shall be brought against any teaching staff member who “in good faith” reports his or her suspicion that a student is violating this policy, or who acts to enforce this policy. A standard reporting form may be used by all district staff members in identifying students in need of assessment by the Intervention and Referral Services (I&RS) Team. Staff suspecting a student of being under the influence in school will transmit any reporting forms/checklists immediately to the building principal.

Confidentiality of information obtained by Student Assistance Counselors (SAC’s), Child Study Team and I&RS Team members and administrators shall be protected in accordance with state and federal laws and regulation. Students will be informed annually of the regulations protecting the confidentiality of records pertaining to drug and alcohol interventions. They will also be

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 3 of 40
Substance Abuse

notified annually of the District's procedures in regard to voluntary disclosures. Notification shall be through student/parent handbooks or any other means deemed appropriate by the Superintendent.

IN-SERVICE TRAINING & PARENT AWARENESS

All educational staff members will receive in-service training in alcohol, tobacco and other drug abuse prevention and intervention according to the requirements of state law. The in-service training shall be updated annually to ensure educational staff members have the most current information available on the subject of substance abuse and the district's alcohol, tobacco, and other drug abuse policies and procedures. The implementation of this training shall be approved by the Superintendent and implemented in cooperation with SAC's, the Assistant Superintendent and the building principal(s). All new staff shall participate in the in-service training provided by the SAC's each school year.

The SAC's will establish educational programs on alcohol, tobacco, and/or other drug abuse for parents and guardians according to the requirements of state law and regulation and offered at times and places convenient to the parents and guardians of enrolled students.

INSTRUCTION

The Nutley School District ("District") will work diligently to prevent student involvement with alcohol and other drugs, including tobacco and performance-enhancing substances (including steroids). Every student attending Nutley Public Schools will receive age-appropriate instruction in behavioral/chemical health education through the Chemical Health Curriculum in accordance with the guidelines and objectives established by the N.J. Department of Education. Additionally, special prevention programs shall be conducted beyond the classroom throughout each school year to promote age-appropriate behavioral health practices. The curriculum will be reviewed annually to maintain conformance with federal and state law and Board policy.

IDENTIFICATION, EVALUATION AND INTERVENTION

All staff members shall be alert to signs and symptoms of drug and/or alcohol abuse by students and shall respond to those signs and symptoms in accordance with New Jersey State Law and

POLICY

NUTLEY

BOARD OF EDUCATION

PUPILS

5530/Page 4 of 40

Substance Abuse

Administrative Code. The staff will receive detailed information and training about the consequences of the use of controlled dangerous substances, alcohol and tobacco, as well as about the District's procedures. Referrals to treatment or for evaluation will be made by individuals appropriately certified and employed as SAC's as required by state law and regulation.

In establishing this policy, the Board directs the Superintendent to have programs and procedures developed and implemented for the purpose of assisting students who experience drug or alcohol use in accordance with state and federal law and regulations. Each principal shall implement a coordinated system for the planning and delivery of Intervention and Referral Services ("I&RS") that are designed to assist students who are experiencing learning, behavior, or health difficulties and to assist staff who have difficulties in addressing students' learning, behavioral, or health needs. Each building shall have in place an I&RS Team in accordance with state regulation to perform functions described in this policy. Each I&RS Team shall be provided with professional development, administrative support, and guidance for planning and delivering intervention and referral services in accordance with regulation. Action plans developed by I&RS Teams will be reviewed annually and recommendations will be made to the principal for improving school programs and services, as appropriate.

ANNUAL REVIEW

The Board further directs the Superintendent or his/her designee to conduct an annual review of this policy and procedures and to make recommendations as necessary, as required by law.

REFERENCES:

42 C.F.R. Part 2

N.J.S.A. 18A:40A-1 to 18

N.J.A.C. 6:11-11.5, 6A:16-4.3, 6A:16-6.5, 6A:16-7.1

POLICY

NUTLEY

BOARD OF EDUCATION

PUPILS

5530/Page 5 of 40

Substance Abuse

NUTLEY PUBLIC SCHOOLS

SUBSTANCE ABUSE POLICY: RULES AND PROCEDURES

DEFINITIONS OF TERMS USED

The items listed below are used throughout these Procedures, and will have the following meanings unless otherwise specified.

Abuse – any use of psychoactive or performance-enhancing substances without regard to medical purposes and accepted medical practice.

Alcohol – any beverage containing a percentage of alcohol that is prohibited from sale and/or possession by individuals under 21 years of age.

Assessment – those procedures used by school staff to make a preliminary determination of a student's need for educational programs, supportive services or referral for outside services which extend beyond the general school program by virtue of learning, behavioral or health difficulties of the student or the student's family.

Chemically Dependent – when an individual's use of drugs and/or alcohol indicates any of the following: physical or psychological dependency; deterioration in some or all of the following: grades, attendance, physical appearance or behavior.

Drugs – any chemical substance including steroids taken orally, intravenously, intramuscularly, topically, sniffed, or inhaled for the purpose of altering mood, physical performance, or causing any physical or emotional change. This shall include substances identified in N.J.S.A. 2A:170-25.9 as well as tobacco products, including cigarettes, cigars, and chewing tobacco.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 6 of 40
Substance Abuse

Drug Paraphernalia – includes all equipment, products and materials as defined in N.J.S.A. 24:21-46 and 24:21-47.

Evaluation - those procedures used by a certified or licensed professional to make a positive determination of a student's need for programs and services which extend beyond the general school program by virtue of learning, behavioral or health difficulties of the student or the student's family.

Immediate - for the purpose of medical screening, "immediate" shall be defined as two hours from the reported incident to the Principal or the Principal's designee.

Intervention – those programs, services and actions taken to identify and offer help to a student at-risk for learning, behavioral or health difficulties.

Intervention and Referral Services (I&RS) Team – a team comprised of trained individuals that will develop strategies and accommodations for assisting at-risk students.

Medical Examination – the assessment of an individual's health status by a licensed physician to include clinical observations, monitored drug screen, and other measures deemed necessary for the purposes of this policy.

Performance-enhancing substances – over the counter, prescription, and illicit drugs used for the purpose of improving athletic performance, including anabolic steroids.

Physician – a professional licensed to practice medicine or osteopathy or a licensed nurse practitioner. The Board of Education will annually appoint and approve a physician to evaluate students for the purposes of this policy.

Student Assistance Counselor/Substance Awareness Coordinator (SAC)– individuals holding a master's degree and Substance Awareness Coordinator certification who are employed by the District to provide counseling, information, and referral services for students and significant others with alcohol/drug problems and/or other mental health issues.

Substances – any tobacco, chemical substance, drug, or alcoholic beverage, including prescribed medications, as identified in N.J.S.A. 18A:40A-9, 10 and 11.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 7 of 40
Substance Abuse

Substance Abuse – the consumption or use of any substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered to a person by a medical physician.

Tobacco – any substance or product that may be consumed by smoking, chewing, snuffing or inhaling which contains a form of tobacco leaves and nicotine.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 8 of 40
Substance Abuse

PART I – STUDENTS VOLUNTARILY SEEKING HELP FOR DRUG, TOBACCO, OR ALCOHOL USE

- A. Students are encouraged to seek help for problems with or related to tobacco, drug and/or alcohol use. Specific staff members and services are provided for direct assistance or confidential referral for students seeking help with a tobacco, alcohol, drug or other problem related to their substance use or use by someone in a close relationship with such students. When a student seeks help from a staff member other than the SAC, that staff member will report the incident to the building SAC immediately.
1. Prior to the initial meeting with a student, the Student Assistance Counselor will provide full disclosure of the confidentiality laws and guidelines as required in 42 CFR Part 2.
 2. The Student Assistance Counselors will be allowed to maintain confidentiality of conversations with students meeting the following criteria:
 - a. the student's health is not in imminent danger;
 - b. the information does not make the staff member accessory to an illegal actions;
 - c. the information does not indicate that the health or safety of the student or another individual is threatened.
 3. The student may be requested to complete a screening inventory designated by the building's Student Assistance Counselor ("SAC").

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 9 of 40
Substance Abuse

4. The student's age, quantity/frequency of alcohol/drug use, and the length of time a student continues to use substances should be given consideration when a decision to initiate a referral to a community agency or parent/guardian contact is being weighed.
 - a. Nothing contained herein shall preclude consultation by the individual Student Assistance Counselor with the I&RS, the Principal and the Director of Special Services. For students classified as in need of special services, the Case Manager or other member of the Child Study Team shall be consulted.
 - b. The individual Student Assistance Counselor may continue to work with a student seeking help voluntarily for a reasonable period to time.
 1. The Student Assistance Counselor and student will design a plan to include time frames, parent/guardian role, and possible treatment/assessment referral.
 2. However, when the I&RS Team agrees that no progress is apparent or that the student has failed to adhere to the plan, the staff member will terminate the professional relationship.
 - c. Every effort shall be made to have the student discuss their involvement with alcohol and other drugs with the I&RS Team and parent/guardian.
5. Members of the District's I&RS Team shall be considered "part of the District's alcohol/drug program" and shall be permitted to discuss student matters protected by Federal Confidentiality Regulations on a "need to know" basis, providing that members have signed a Shared Services and Confidentiality Understanding form which has been filed with the building Student Assistance Counselor.

Building I&RS Teams shall maintain regular communication regarding students moving from one district building to another, and on issues affecting siblings or significant others, in order to insure consistency.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 10 of 40
Substance Abuse

6. Voluntarily seeking help does not prevent the school staff from charging a student with suspicion of being under the influence at another time.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 11 of 40
Substance Abuse

PART II – STUDENTS SUSPECTED OF BEING UNDER THE INFLUENCE OF SUBSTANCES

- A. **Reporting suspected cases:** In conformance with N.J.A.C. 6A:16-4.3, staff members **must immediately report** to the designated building administrator and the school nurse any student exhibiting behavior, or a pattern of behavior, or whose physical condition is consistent with the signs and symptoms of being under the influence of alcohol or other drugs. These procedures must be followed at school and at all school-sponsored activities. **Staff members who fail to report such behaviors may be subject to civil and criminal charges.** When the principal is not available, the report shall be made to the administrator in charge of the activity.

1. When taking action in a substance abuse related incident, the Administrator shall use the appended Substance Abuse Incident Checklist and shall be filed with the I&RS Team in a secured location separate from the student's permanent record.

Information about suspected use shall subsequently be forwarded to the I&RS Team of the new building when a student moves to another school within the district.

2. When a student is suspected of being under the influence of drugs or alcohol, the steps below will be followed in the order listed:
 - a. The staff member who expresses concern shall **immediately** contact either the building principal or his/her designee, and subsequently complete the Violence, Vandalism and Substance Abuse Incident Report, according to the requirements of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-5.3.
 - b. The administrator will locate the student and escort him/her directly to a confidential and inconspicuous location where the nurse, appropriate administrator, SAC, and/or a representative of the I&RS Team will meet with the student, as soon as possible.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 12 of 40
Substance Abuse

1. The administrator shall complete a checklist of suspicious physical/behavioral manifestations leading to the belief that a student is under the influence, in addition to the initial referral in 2(a), above. If teachers do not complete the initial referral form described in 2(a) above, the administrator will complete this checklist by interviewing the teacher and documenting behavioral indicators of what led the teacher to suspect that the student may be under the influence of a substance.
2. The Administrator's Incident Checklist and a NJ Department of Education Violence, Vandalism and Substance Abuse Incident Report shall be filed in accordance with established district procedures.
- c. When a student is in need of immediate medical attention, the building administrator shall take appropriate action to insure that Emergency Medical Services or the Nutley Police transport the student to the nearest hospital emergency room
- d. Immediate contact with parent/guardian shall be initiated, except in cases where a student is 18 years old and has not waived his/her rights.
- e. The parent/guardian shall be directed to take the student for an immediate medical examination by either the Board of Education Physician (to be designated annually), or a physician of their own choosing which shall then be at the family's expense instead of being performed at no charge. Appropriate forms and releases shall be reviewed with the parent/guardian.
- f. Students who have a positive diagnosis shall be required to submit a Random Drug Testing Consent to Test Form prior to their return to school following suspension. Failure to do so will result in the student being deemed in violation of the Nutley schools District's Substance Abuse Policy.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 13 of 40
Substance Abuse

- g. The student shall receive an immediate medical dismissal for the remainder of the school day and picked-up by his/her parent or guardian to receive a medical examination and drug screen **within two hours**.
- h. If the parent or guardian is **UNAVAILABLE** to have the student tested in the allotted time, the parent may grant a verbal or written release that permits the administrator to accompany the student to the Board of Education Physician or other appropriate facility along with a release for the facility to perform a medical examination and administer the chemical screen. Transportation will be provided by the Board of Education. If, in the opinion of the nurse, it is inadvisable for the administrator to accompany the student, 911 will be called to escort the student to the nearest emergency room or approved medical facility.
- i. If the parent or guardian is **UNWILLING** to have the student tested in the allotted time, 911 will be called to escort the student to the nearest emergency room. The student will not be able to return to school until a physician medically clears the student. An additional chemical dependency assessment will be required and an immediate suspension of no more than 21 days will ensue.
- j. No action of any kind shall lie against any teaching staff member, including a Substance Awareness Coordinator/Student Assistance Counselor, any school nurse or other educational personnel, physicians, agents 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, physicians or other officers or agents of the Board of Education or emergency room personnel as per 18A:40A-13.
- k. **IN ALL CIRCUMSTANCES, IF A TEST IS NOT ADMINISTERED WITHIN TWO (2) HOURS, AN EVALUATION AT A NEW JERSEY DEPARTMENT OF HEALTH APPROVED AGENCY SHALL BE MANDATED.**

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 14 of 40
Substance Abuse

- j. The school nurse shall maintain a log of substance abuse incidents and a monthly report shall be submitted to the superintendent.
- k. During the physician's examination, a monitored urine sample shall be collected and appropriate chain of custody will be documented.
- l. Upon a parent or guardian picking up his/her child from school, failure to comply with the requirements to complete a medical examination and laboratory tests within 2 hours will be considered a positive diagnosis resulting in an immediate suspension.
- m. If, at the time of administrative contact, a student admits to having used drugs and/or alcohol that day or previous night, the student shall be considered in violation of the Nutley School District's Substance Abuse Policy, and must comply with regulations within the policy prior to returning to school, regardless of the results of the drug screen.
 - 1. Reinstatement will occur only upon submission to the Principal of evidence that an evaluation has been initiated within 5 school days from this incident.
 - 2. **Parents/guardians who fail to comply with the state mandated urine testing procedures will result in the school filing a report of alleged child neglect with the Division of Youth and Family Services as well as the option of filing a formal complaint in municipal court in accordance with N.J.A.C. 6:29-9.5(a) 8.**

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 15 of 40
Substance Abuse

B. Temporary Admission Pending Results

1. Return to school is prohibited until the student can present:
 - a. The appended Physician's Assessment Form and a Re-entry Note (pending the results of any lab work within 24 hours) including the date and time from the examining physician stating that the student is free from alcohol or other drugs, and is able to return to school;
 - b. Evidence that a urine screen for drugs has been collected within the appropriate time frame (two hours) and is being processed by a lab;
 - c. Evidence that the urine screen was conducted in accordance with appropriate chain of custody regulations.
 - d. Meeting the above criteria, the student will be re-admitted the next school day without suspension, pending the results of the physician's completed examination including the date and time.
2. Positive Diagnosis – A positive diagnosis will cause the student to be suspended immediately for a duration of not more than **21 calendar days**, not to exceed the second monthly meeting of the Board of Education without informing the Superintendent in writing with return prohibited until:
 - a. Evidence of a negative urine screen has been provided. The Board of Education will be responsible for the initial urine screening but subsequent urine tests shall be at the parents or guardians expense.
 - b. Parents/guardians and the student present have signed Release of Confidential Information (appended) from a New Jersey Department of Health approved program which indicates that an evaluation is in progress in order for the school and treatment program to communicate about the student's progress without breaching confidentiality.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 16 of 40
Substance Abuse

- c. Results of an evaluation from a program approved by the Local Committee on Alcoholism and Drug Abuse (LACADA) received within 5 school days. Nothing in these procedures shall prevent a parent/guardian from seeking a second opinion from an approved program at their own expense.
- d. The selection of a treatment or evaluation facility shall be done by the parent/guardian who shall be informed by the referring staff member that this will be "at the parent/guardian's expense";
 - 1. The parent/guardian will be given a list of approved facilities from which to select their referral.
 - 2. The SAC may act on parent/guardian's behalf by contacting their program of choice.
- e. Alternative Instruction at an alternate site will be ordered immediately with details to be arranged by the building administrator. Alternative Instruction will be conducted at a site to be arranged by the Board of Education and the student will remain on the rolls of the school that he/she was attending, with Alternative Instruction costs assumed by the Board of Education.
- f. Meeting the above criteria may result in the reduction in the length of suspension.
- g. The Board of Education will be presented with a new suspension and Alternative Instruction request prior to the second monthly meeting of the Board of Education, each time the student has not met the criteria.
 - 1. Students enrolled in an approved out patient treatment program may continue to attend school only as long as participation can be documented.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 17 of 40
Substance Abuse

2. Parents/guardians who fail to comply with the assessing program's recommendation will result in the school's filing a report of alleged child neglect filed with the Division of Youth and Family Services as well as the option of filing a formal complaint in municipal court.
3. The District may predicate the return of a student pursuant to this policy upon the student's participation in an appropriate program for assistance or rehabilitation. Upon the student's return to school following an evaluation and subsequent recommendations, the student and family will cooperate with the Student Assistance Counselor and the administration in monitoring compliance with the recommended treatment program. If the student and family are unwilling to cooperate, or if the student refuses to follow the treatment recommendations, then the student must be immediately removed from school.
4. Participation in all extra-curricular and/or co-curricular activities including athletics, proms, and other school activities will be denied until the student takes the necessary steps to be in compliance with state law and this policy.

C. Second Offense – Being under the influence of alcohol and/or other drugs:

1. Completion of all procedures outlined under first offense;
2. Medical confirmation of being under the influence will require the student to complete, at the parent or guardian's expense, a residential treatment program or, if acceptable to the I&RS Team, participation in an intensive outpatient alcohol or drug treatment program. Formal release from treatment at the program's recommendation will be the only reason accepted for termination;
3. Failure to comply with these requirements may result in immediate suspension or expulsion at the recommendation of the I&RS Team.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 18 of 40
Substance Abuse

D. Third Offense – Being under the influence of drugs or alcohol:

1. Completion of all procedures outlined in the first and second offense;
2. The Administration, in conjunction with the I&RS Team and Student Assistance Counselor(s) retain the option to recommend expulsion to the board of Education for any chronic violator of this Policy. Third Offenders will automatically be presented to the Board for an expulsion hearing as a danger to him/herself, and others.

If the student is not expelled, an individual program shall be developed for him/her in consultation with the building administrator, I&RS Team, parent/guardian, Student Assistance Counselor, and any treatment program involved.

E. Students suspected of, or admitting to the use of steroids will be subject to the same procedures outlined for other alcohol or drug violations, with the following exceptions in accordance with N.J.A.C. 6A:16.

1. Following the physician's examination, the student shall be allowed to return to school, and will not be suspended or excluded, unless and until a positive diagnosis has been rendered;
2. A positive diagnosis requires that the student be referred for follow-up with the building's I&RS Team which shall then determine, in concert with the parent/guardian, if a referral to an appropriate assessment or treatment facility is warranted.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 19 of 40
Substance Abuse

PART III – STUDENTS RETURNING FROM TREATMENT: **VOLUNTARY & POLICY ORDERED**

- A. Any student who attends treatment following an alcohol or drug suspension must comply with the re-admission criteria described in Part II.
1. Students attending a treatment program causing an extended absence will be readmitted only upon receipt of a written recommendation from the treatment program.

The absences will be considered in the same manner as other “chronically ill” students, and shall not be treated in a manner different from any other student returning from hospitalization, with the exception of after care arrangements for policy ordered treatment.
- B. The best way to maintain sobriety is through participation in an AA/NA or other step program “design”; therefore, the school will make every effort to assist students in complying with their after care plan and recommendations.
1. After care programs will include issues of peer pressure, maintaining sobriety, behavior and attitudes contributing to “slips”, relapse, and other personal issues.
 2. Student participation in school programs that conflict with after care treatment will be at the discretion of the treatment agency.
 3. Students not participating in treatment program after care will be required to meet with the I&RS Team to determine an alternative after care program.
- C. Concerns about the student’s regression to drugs or alcohol shall be dealt with in the same manner as any other student suspected of being under the influence, outlined elsewhere in these procedures.

Students who demonstrate, through a Confidential Behavioral Checklist, a deteriorating condition that may be alcohol or drug related, will have an on-site pre-assessment conducted; the results will be shared with the parent/guardian.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 20 of 40
Substance Abuse

PART IV – SEARCH & SEIZURE

- A. Lockers are school property and may be subject to search at the direction of school administration at any time.
1. Searches conducted of students' possessions must be warranted by "reasonable suspicion" in compliance with standards established by state and federal law.
 2. Students' lockers may be randomly searched under the direction of the Superintendent, or the Superintendent's designee.
 3. These searches shall follow the guidelines established for New Jersey Schools in the Administrative Code, but shall include the following guidelines:
 - a. "Reasonable suspicion" shall mean suspicion based on statements of concern by staff or students, and physical condition and behavior of a suspicious nature that indicates possible substance use or possession.
 - b. Searches of a "cursory" nature may be conducted, including a visual inspection and request that students empty pockets, purses and other belongings.
 4. The Superintendent may exercise the option of conducting general searches of the school buildings, school lockers, and school premises and property, by use of drug-sniffing canines as deemed appropriate and in accordance with state and federal law.

Students refusing to cooperate in searches will have their parent/guardian contacted to inform them of the student's refusal to cooperate, stressing possible police involvement in the incident.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 21 of 40
Substance Abuse

PART V – POSSESSION OR DISTRIBUTION OF ALCOHOL AND/OR OTHER DRUGS

- A. 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 will contact the Nutley Police or other agency to investigate.
 - 1. When illegal substances are found, it shall be the responsibility of the Police to complete their normal reporting procedures, and any other legal actions, such as complaints, depending on the quantity of substances.
 - 2. It shall be the responsibility of the Nutley Police or law enforcement agency to determine whether the quantity and/or circumstances will be considered “possession” or “distribution”, in accordance with New Jersey Law or in consultation with the County Prosecutor’s Office.
- B. Students found “in possession” will follow the same criteria as outlined in Part II of this procedure.
 - 1. However, the Board of Education maintains the right to conduct a suspension or expulsion hearing on any student found selling, possessing or distributing illegal substances, as outlined in this Policy.
 - 2. Students charged with distribution, or intent to distribute drugs or when a student is neither treatment appropriate, nor tests positive on a urine screen, will receive the following additional disciplinary measures:
 - a. Out-of-School Suspension for a maximum of 21 days, not to exceed the second monthly Board of Education meeting without Board action;
 - b. Appear at an automatic expulsion hearing before the Board of Education to determine to what extent the student is a danger to him/herself and/or the school community;

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 22 of 40
Substance Abuse

- c. If reinstated, a monitoring program and monthly reports to the Board of Education shall be developed by the I&RS Team in consultation with the Student Assistance Counselor;
 - d. Failure to comply with established guidelines, or a determination that the student is a risk to the school community, will result in extended Alternative Instruction until the Board of Education is satisfied.
- C. Upon the second, and any subsequent offenses, or those involving actions by the Court due to the quantity of substances involved, an expulsion hearing by the Board of Education shall be held.
- D. Students arrested for non-school related drug or alcohol violations shall be permitted to attend school unless it is demonstrated that the student is a danger to him/herself, or to other students in the school.

Based on reports from local police, if the school building principal, in consultation with the I&RS Team, determines that the student's continued attendance presents danger to the health and safety of other students in the building, the offending student shall:

- 1. Be suspended immediately, for a number of days not to exceed the second monthly Board of Education meeting;
 - 2. Have Alternative Instruction immediately;
 - 3. Have written recommendations, or a program designed by the I&RS Team and the Student Assistance Counselor;
- E. Return to school will be conditional upon meeting criteria established by the I&RS Team and the Building Principal.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 23 of 40
Substance Abuse

PART VI – ROLE OF THE CHILD STUDY TEAM

- A. The Child Study Team shall not accept referrals of new cases where the cause for evaluation indicates possible use of alcohol or other drugs, until the I & RS and/or Student Assistance Counselor(s) have been consulted.

The referred student will be accepted **only** after parent/guardian has provided documentation that a urine screen and/or evaluation at an approved agency has been completed at the expense of the parent/guardian, in order to “rule-out” the possibility that alcohol or drug involvement is a primary cause for the referral. The results of chemical screens and/or evaluations shall be made available to the Child Study Team.

- B. Building Child Study Teams shall consult with the I&RS Team and the Student Assistance Counselor(s), for both classified and non-classified students referred, for “technical assistance” on substance abuse and related symptoms.

The Child Study Team, upon request of the I&RS Team or Board of Education, will review the current placement of a classified student on extended Alternative Instruction and consider other alternative educational programs.

POLICY

NUTLEY
BOARD OF EDUCATION

PUPILS
5530/Page 24 of 40
Substance Abuse

PART VII – VOLUNTARY URINE TESTING PROGRAM: OFF-SITE

- A. Parents or guardians suspecting a student's alcohol or other drug use may participate in a testing program off-site at an approved facility. Such facility will be approved by the Board of Education annually. The Student Assistance Counselors will provide the name(s) of the cooperating program(s) that will conduct the testing.
- B. Students referred to the Student Assistance Program by a parent/guardian shall be subject to the same procedures as outlined in Part II of this policy.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 25 of 40
Substance Abuse

PART VIII – STUDENT USE OR SUSPECTED USE OF SUBSTANCES OFF-CAMPUS

- A. The Nutley School District must identify and assist students whose drug or alcohol use or other behavior is of concern, regardless of when it occurs.
1. Any expression of concern about parties or substance-related incidents involving students will be handled in the following manner:
 - a. The staff member will ensure that any information deemed reliable will be passed on to the building administrator and the SAC whose expertise may facilitate parent cooperation in a manner which ensures the confidentiality of each student and/or family;
 - b. A member of the I&RS Team may call a student in to express concern about “use” when a parent/guardian or fellow student issues a “statement of concern”, or to discuss parent/guardian chemical dependency.

The contents of this meeting will remain confidential; however, this will not protect the student from future sanctions under existing procedures of this Policy.

2. The I&RS Team may conduct a Confidential Behavioral Health Assessment of the student in order to determine to what extent chemical use may be affecting performance or behavior.

Students who appear to be “in imminent danger” may require formal or informal intervention by the I&RS Team to include the SAC. In such cases, no Release of Information Form by the student is required.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 26 of 40
Substance Abuse

PART IX – CHILDREN OF ALCOHOLICS AND FROM CHEMICALLY DEPENDENT FAMILIES

Children of parents, guardians or family members with active alcoholism, substance abuse, or chemical dependency, or a history of such difficulties, shall have available to them support services in the form of individual or group counseling, referral to community services, and “self-help” programs available within the school district and community. The following guidelines are provided for handling these matters:

- A. Students at all levels shall be apprised, in an age appropriate manner, of the confidentiality regulations prior to disclosing information as outlined in Part I;
- B. Student who self-disclose family chemical dependency will be provided support services; however, staff members shall be alert to the potential for a referral to the Division of Youth and Family Services.
- C. Confidentiality may be waived automatically where any form of child abuse/neglect exists.
- D. Parents/guardians who request assistance for substance abuse problems shall receive a referral from the Student Assistance Counselors.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 27 of 40
Substance Abuse

PART X – CONFIDENTIAL CONSULTATION WITH PARENTS WITHOUT A STUDENT'S KNOWLEDGE

Parents/guardians may receive confidential voluntary consultation from professional staff for concerns about their child's possible substance abuse, without informing the student of such a meeting.

- A. The information obtained by the staff member during this meeting shall remain confidential with the I&RS Team and shall not be used for disciplinary action against the student.
- B. Confidential information about students 18 years or older shall not be provided without his/her consent unless the information clearly indicates a condition outlined in Part I of this procedure.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 28 of 40
Substance Abuse

PART XI – STAFF MEMBERS’ RESPONSIBILITIES

- A. Staff members are **required by law** to report any student suspected of being under the influence of, or having problems related to, drugs and/or alcohol through the district procedures. See N.J.A.C. 6A:16-5.3(a) and N.J.S.A. 18A:40A-12. Failure by staff to report suspected use by a student may result in civil and criminal prosecution.
 - 1. Staff members reporting students “in good faith” are immune from civil and criminal prosecution.
 - 2. A standard reporting form such as the Confidential Behavioral Checklist shall be used by all district staff members in identifying students in need of assessment by the I&RS Team.
- B. Staff members unsure about a student’s possible chemical use are encouraged to consult with the I&RS Team and/or the Student Assistance Counselor(s).

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 29 of 40
Substance Abuse

PART XII – TOBACCO USE

- A. The Nutley Board of Education's Smoking policy is strictly enforced by district employees. For the purpose of this policy, "smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco." Chewing tobacco is also specifically prohibited.
- B. Smoking or the use of tobacco products by students within all school buildings and on school grounds is prohibited. Additionally, the use of tobacco is prohibited on any school-provided transportation or on any school-related trip, including school field trips, athletic events, competitions, camps, etc.
- C. Students identified to be using tobacco shall meet with a Student Assistance Counselor to discuss the health risks that arise from tobacco use, and to determine the student's need for educational services, supportive services or treatment to assist the student with terminating tobacco use or the use of other addictive substances.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 30 of 40
Substance Abuse

PART XIII – CURRICULUM AND INSTRUCTION

- A. Students attending Nutley Public Schools will receive instruction in Behavioral/Chemical Health Education in accordance with the guidelines and objectives established by the New Jersey Department of Education.
 - 1. Teachers shall include activities and lessons designed for age-appropriate subject areas in order to improve student knowledge about the risks of alcohol, drug and tobacco use.
 - 2. Additionally, age-appropriate prevention programs shall be conducted beyond the classroom throughout each school year, to raise awareness about the harmful effects of alcohol, drug and tobacco use.
- B. The curriculum will be reviewed regularly to maintain currency. The Student Assistance Counselors and/or a Behavioral/Chemical Health Curriculum Committee shall conduct an evaluation of the curriculum's effectiveness, with written recommendations made to the Superintendent of Schools.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 31 of 40
Substance Abuse

PART XIV – PREVENTION ACTIVITIES

District-wide alcohol, tobacco, and drug use prevention plans prepared by the Student Assistance Counselors, will be presented to the Superintendent and Board of Education, as possible. Attempts to involve parents/guardians, students and community agencies in planning and conducting alcohol and drug prevention programs at all levels is encouraged.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 32 of 40
Substance Abuse

PART XV – ANNUAL REVIEW OF THE POLICY & PROCEDURES

- A. A periodic written evaluation questionnaire, which includes tobacco, drug and alcohol use, shall be conducted to determine effectiveness of curriculum and prevention efforts. Modification in existing programs may be made based on the results of the survey.
- B. An annual review of the effectiveness of this policy shall be conducted by a committee chaired by the Student Assistance Counselor(s), consisting of staff, students, and providers with input from the building I&RS Teams, and others, as the Board or Superintendent may deem necessary.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 33 of 40
Substance Abuse

ADMINISTRATOR'S ALCOHOL & OTHER DRUG ABUSE INCIDENT CHECKLIST

STUDENT NAME _____ GRADE _____

SCHOOL _____ DATE _____ TIME _____ OF INCIDENT

The following "checklist" provides the administrator with a ready reference to insure compliance with established Board of Education Policy & Procedures relating to substance abuse incidents. The use of this checklist is required in every substance-related incident in order to maintain proper documentation. The administrator shall place the checklist in a file separate from the student's record to insure confidentiality.

Students suspected of being under the influence (Procedures Part II)

- _____ 1. Staff reports suspected student to building administrator and articulates observed behaviors to administrator.
- _____ 2. Student escorted to confidential location.
 - _____ A. Administrator documents observable symptoms (to be filed).
 - _____ B. Alcohol and Other Drug Incident Checklist and Violence, Vandalism, & Substance Abuse reporting form completed.
 - _____ C. IMMEDIATE MEDICAL ATTENTION SOUGHT IF NEEDED
 - _____ D. Immediate contact with parent/guardian (except where 18 years old).
 - Parent/guardian transports student for examination (Medical dismissal _____).
 - * Doctor's examination (_____ Family physician or _____ Immedicenter).
 - * Urine collected (_____ Family Physician or _____ Immedicenter).
 - * OR No parent/guardian contact
 - _____ E. Copies of appropriate material forward to building I&RS Team.

Temporary Re-admission Criteria (First Offense)

- _____ 1. Immediate suspension for a **maximum of 21 days** not to exceed the second monthly meeting of the Board of Education.
 - * _____ Release(s) of Information signed
- _____ 2. Results of, or evidence that the process has begun for an assessment from a qualified provider with recommendation.
- _____ 3. Evidence that family has complied with assessment recommendations OR

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 34 of 40
Substance Abuse

- _____ Presentation of second opinion assessment.
- _____ 4. Contact the I&RS Team for development of an action plan.
- _____ 5. Student Assistance Counselor arranges appropriate changes on the roll with Guidance Counselor (Home Instruction, etc.).

Negative diagnosis – re-admitted the next day.

- _____ 1. Physician provides (_____ Assessment form _____ Clearance Note _____ Lab test evidence)
- _____ 2. Lab test (_____ positive _____ negative)
- _____ 3. Refer student to Student Assistance Counselor

Re-Admission Criteria (Second Offense)

- _____ 1. Completion of First Offense Re-admission
- _____ 2. Positive diagnosis results in treatment requirement.
- _____ 3. Failure to comply – immediate suspension (optional _____ Expulsion recommended)

Re-Admission Criteria (Third Offense)

- _____ 1. Completion of First Offense Re-admission
- _____ 2. Positive diagnosis results in automatic Suspension/Expulsion hearing

Administrator's Signature

Date

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 35 of 40
Substance Abuse

NUTLEY PUBLIC SCHOOLS STUDENT ASSISTANCE PROGRAM

Shared Services and Confidentiality Understanding

I have been informed that the information concerning a student's drug or alcohol use is protected by Federal Regulation (42 C.F.R. Part 2) that states:

This information has been disclosed to you from records whose confidentiality is subject to protection by federal law. Federal Regulation (42 C.F.R. Part 2) prohibits you from making any further disclosure of it without specific written consent of the person to whom it pertains, or as otherwise permitted by such regulations. A General Authorization for the release of medical or other information is not sufficient for this purpose.

All documents released must carry this statement and may not be surrendered with a signed formal release. Any information shared about a student's drug or alcohol use must remain confidential, with the exception of the individual disclosing the information.

Failure to maintain confidentiality may result in prosecution and/or disciplinary action.

(If the person signing below is a member of the school's Intervention & Referral Services (I&RS) Team or the Student Assistance Program, a single filing of the form annually serves as blanket coverage for all cases in the districts' "alcohol and drug program".)

Staff Member Signature

Date

Staff Member Printed Name

Witness Signature

Date

Witness's Printed Name

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 36 of 40
Substance Abuse

SUMMARY FOR PARENTS

Regarding Immediate Action Sequence

1. When it appears that a student may be under the influence of a chemical substance, the requirements of New Jersey State Law (N.J.S.A. 18A:40A-12) and the Nutley School District Substance Abuse Policy are as follows:
 - a. Arrangements for the immediate medical examination and diagnostic chemical screen by one of the following:
 1. Immedicenter (Board of Education pays)
 2. Your private physician (Parent must pay)
 3. Emergency room of the nearest hospital or medical center (Parent must pay)
 - **If the parent/guardian is not able to have the student in transit within two hours of notification or if the parent/guardian is unable to be located, the student will be taken to the emergency room of the nearest hospital or medical center or to the Immedicenter by a school administrator for the required examination.
 - b. Parent(s)/guardian(s) who do not comply with the requirement for an immediate medical examination of a student will have a report of alleged neglect filed with the Division of Youth and Family Services. In addition, such noncompliance will be considered a positive diagnosis and confirmation of under the influence, and will result in immediate suspension and further actions as noted in the administrative procedures of the District Policy.
2. Without confirmation of being under the influence, student may return to school the next day. Confirmation may include admission or clinical observation as well as medical screening.
3. If and when use, possession, purchase, transfer or sale is confirmed, disciplinary action will be taken and the local police may be notified.

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 37 of 40
Substance Abuse

4. When use, et. al, is confirmed, the student is not allowed to return to school without seeing the physician again and presenting a written physician's report to the principal certifying that substance abuse no longer interferes with the student's physical and mental ability to perform in school.
5. When use, et. al, is confirmed, the student is not allowed to return to school until the student presents an evaluation from an approved treatment center or appropriately licensed and certified counselor. If some form of treatment is recommended, students must present a written document of participation in order to attend school.
6. When use, et. al, is confirmed, the student is not allowed to return to school until a "Release of Information" form signed by the parent(s)/guardian(s) and student is received from an approved treatment center or counselor so the school and out-of-school professional can communicate without breaching confidentiality.

In addition to this page, you may receive the following:

- _____ a. State Law N.J.S.A. 18A:40A and/or the Nutley Substance Abuse Policy
- _____ b. Physician's Alcohol and Other Drug Abuse Assessment
- _____ c. Assessment Referral List

The law has been explained to me and I understand my obligation to comply with federal and New Jersey state law.

Printed Name of Parent

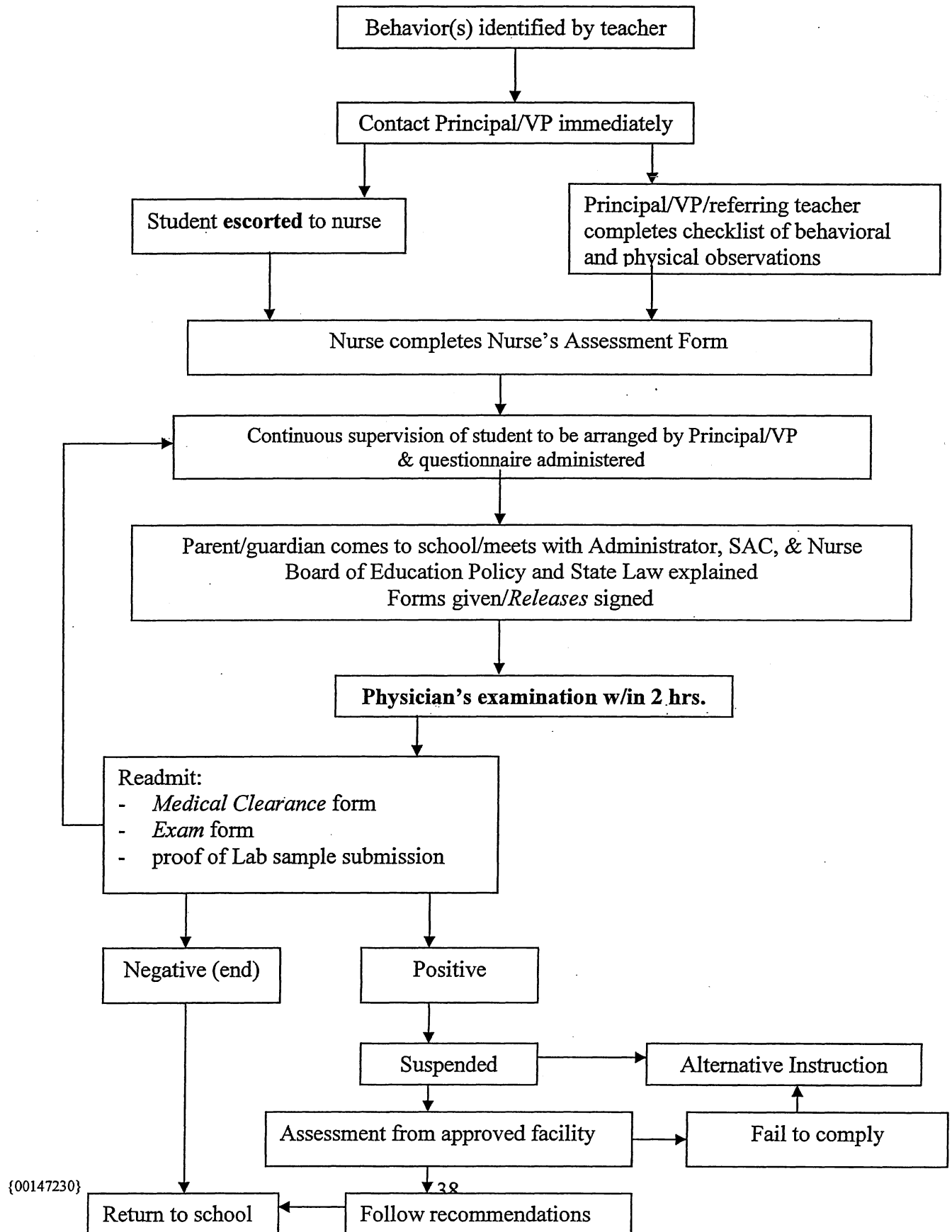
Signature of Parent/Guardian

Date

(Copy to remain with administrator)

SUBSTANCE ABUSE POLICY

FLOW CHART



POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 39 of 40
Substance Abuse

NUTLEY SCHOOL DISTRICT

NURSE'S OFFICE

PHYSICAL ASSESSMENT OF STUDENT SUSPECTED OF BEING UNDER THE INFLUENCE OF A SUBSTANCE

STUDENT _____ DATE _____

REFERRED BY _____ TIME _____

Presenting Complaints: _____

PHYSICAL ASSESSMENT

BP _____ PULSE _____ RESPIRATION _____ PUPILS _____

TEMPERATURE _____ CONVERGENCE TEST _____ E.E.N.T. _____

Orientation of Time and Place _____ Coordination/Speech _____

Health History/Medications _____

____ Nervous/Agitated
____ Lack of Affect/Withdrawn
____ Confusion/Disoriented
____ Euphoria
____ Mood Swings
____ Hallucinations

____ Bloodshot or Dull Eyes
____ Odor of Alcohol/Marijuana
____ Difficulty Walking
____ Slurred Speech
____ Runny Nose
____ Burns on Hands/Face/Clothing

Comments: _____

School Nurse's Signature

Administrator Signature

POLICY

NUTLEY BOARD OF EDUCATION

PUPILS
5530/Page 40 of 40
Substance Abuse

PHYSICIAN'S ALCOHOL & OTHER DRUG ABUSE ASSESSMENT

Date:

Time:

Dear Physician:

In keeping with the N.J. State Law 18A:40, and policy adopted by the Nutley Board of Education, the Nutley student named herein:

Student Name

Is being required to receive an examination to determine substance use that includes the following checked procedures:

- _____ A. Clinical observations including:
- Temperature - eyes - Lungs
 - Blood pressure-Ears - Neurological signs
 - Pulse rate - Nose - Verbalization
 - Respiration - Throat
- _____ B. Complete drug Screening:
- Monitored substance abuse screen with appropriate chain of custody to include at least the following:
- Amphetamines - Barbituates - Benzodiazepines - Ecstasy
 - Cannabinoid - Cocaine - Methaqualone - Alcohol
 - Methamphetamine - Opiates - Phencyclidine

These results are to be released to the Principal and SAC at the school the aforementioned student attends.

I understand that these tests are subject to **Federal Confidentiality Regulations** and will not be placed in my child's permanent record file and the results cannot be shared outside of the school's Student Assistance Program without a written release.

Student's Signature

Parent/Guardian Signature

Date

I understand that by signing this document I am certifying that I have examined the aforementioned student within 2 hours of the date and time above. I also certify that this student is mentally and physically able to return to school, and I agree to send laboratory results upon receiving them.

Print Physician's Name

Physician's Signature

Time/Date