

# POLICY

NUTLEY

BOARD OF EDUCATION

PUPILS

2435.1/Page 1 of 8

STUDENT RANDOM ALCOHOL

AND DRUG TESTING

## 2435.1 STUDENT RANDOM ALCOHOL AND DRUG-TESTING

### POLICY STATEMENT

It is the responsibility of the Nutley Board of Education to safeguard the safety of the pupils in the schools and promote an orderly learning environment. We, therefore, must maintain that the use of drugs and unlawful possession and use of alcohol is wrong and harmful. The Board recognizes that the misuse of drugs, alcohol or steroids threatens the safety of the pupils and the orderly learning environment of the entire school community. The Board of Education is committed to the prevention of drug, alcohol and steroid abuse.

The Nutley Board of Education convened a Task Force which, in part, conducted a survey, solicited public input from the community and parents and obtained law enforcement data. This information was obtained to gain an understanding of the current drug use among students. The Board's Task Force found there was enough information of substance use/abuse by students that additional attention is warranted.

The Nutley Board of Education recognizes that the problem of illegal drugs and alcohol use presents a continuing challenge in its schools and a clear danger to the pupil population as a whole. The district's commitment to maintaining athletics and extra-curricular activities in a safe and secure environment requires a clear policy and supportive programs relating to the deterrence of substance use by pupils involved in athletics and extra-curricular activities.

Participation in athletics and extra-curricular activities is a privilege. Pupil participants, by virtue of their voluntary decision to participate in these extra-curricular and athletic activities, and because of their position as school leaders and role models in the school community, have a heightened responsibility to be drug and alcohol free. The district is committed to being proactive in ensuring the safety of all pupils participating in athletics and extra-curricular activities.

Consistent with the U.S. Supreme Court Ruling, *Board of Education of Independent School District No. 92 of Pottawatomie County et al v. Earls et al.*, 536 U.S. 822 (2002) and the New Jersey Supreme Court Ruling in *Joye v. Hunterdon Central Regional High School Board of Education*, 176 N.J. 568 (2003), the Board of Education directs the Chief School Administrator to implement and conduct a program of random drug testing of pupil participants in athletics, extra-curricular activities, pupils who have violated the district substance abuse policy, and pupils who voluntarily elect to participate in the program with parental consent. Eligibility shall apply to the entire academic year. The Principal or his/her designee shall oversee the Policy and Procedure.



# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
2435.1/Page 2 of 8  
STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

Design of the program shall be consistent with the Nutley Board of Education's objectives, which are as follows:

- Promote safety;
- Deter drug use, thereby countering peer pressure which may encourage indulgence;
- Promote an orderly learning environment; and
- Encourage and invite voluntary testing.

Primary emphasis in administering this program shall be directed toward deterrence and remediation rather than punishment of pupils who test positive for alcohol, non-prescribed medications, illegal drugs or their metabolites. Sanctions and corrective action shall be designed accordingly. 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). This Policy is NOT intended to be disciplinary or punitive in nature. No pupil shall be expelled or suspended from school as a sole result of any verified positive test conducted by the school under the Random Drug Testing Program.

This Policy shall apply to all Nutley School District students in grades 7-12 who participate in any athletics or extra-curricular activities. This Policy shall also apply to all Nutley School District students in grades 7 to 12 who voluntarily elect to participate in the program with parental consent or who have violated the district substance abuse policy.

### DEFINITIONS OF TERMS USED:

Drugs - All controlled substances designated and prohibited as stated in the Nutley School District's Substance Abuse Policy and N.J.S.A. 23:21-2, N.J.S.A. 2A:170-25.9, N.J.S.A. 2C:35.2. For the purpose of this policy, a drug includes, but is not limited to, alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamine, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants or any other substance which is defined as a controlled substance by New Jersey law or their metabolites.

Alcoholic Beverages - Includes beer, wine, distilled liquors and any other liquid containing alcohol.

Medications - All medications, including over the counter drugs, must be properly registered with the school nurse. N.J.S.A. 18A:40-12.4.



# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
2435.1/Page 3 of 8  
STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

Extra-curricular activity - Any activity sponsored or approved by the Nutley Board of Education but not required for graduation.

Confirmed Positive - A positive result from confirmatory testing at the laboratory.

### **STUDENT RANDOM ALCOHOL AND DRUG TESTING REGULATIONS**

#### **TESTING COORDINATOR**

- The **High School/Middle School** Principal or the designees will coordinate and supervise the Random Drug and Alcohol Testing Program for students.

#### **ELIGIBILITY FOR TESTING – NUTLEY HIGH SCHOOL/ MIDDLE SCHOOL**

- All students in **Nutley High School/Middle School** who participate in any athletics, extra-curricular activities, or school clubs, have violated the district substance abuse policy and students who elect to participate in the Random Drug and Alcohol Testing Program (Program) with parental consent will be eligible for the random drug testing pool (Testing Pool).
- For the **High School/Middle School**, the Consent to Test Form must be completed and submitted to the appropriate coach, advisor, or testing coordinator for volunteers of the program.
- Student athletes at the **High School/Middle School** must submit Consent to Test Forms on or before the first day they participate in practice. Failure to do so will result in ineligibility for athletic participation until the form is submitted. The Director of Athletics will oversee the collection of Consent to Test Forms by coaches.
- Students involved in extra-curricular activities or school clubs must submit the Consent to Test Form no later than their attendance at a second meeting of the club or activity. Failure to do so will result in ineligibility for participating in the club or activity.
- Students who have violated the District Substance Abuse Policy will be required to submit a 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 District Substance Abuse Policy.
- Students who volunteer to participate in the Program shall be allowed to enter the Testing Pool at any time once they submit a Consent to Test Form.



# POLICY

NUTLEY

## BOARD OF EDUCATION

PUPILS

2435.1/Page 4 of 8

### STUDENT RANDOM ALCOHOL AND DRUG TESTING

- Students remain eligible for random drug testing from the date the Consent to Test Form is turned in through an entire calendar year, whether or not they have been previously tested or are currently participating in athletics or extra-curricular activities at the time they might be randomly selected for a drug test. In the event that a student eligible for random alcohol and drug testing ceases to participate or withdraws from all athletics, extra-curricular activities or school clubs, he or she has the opportunity to submit to the Principal or administrative designee an Activity Drop Form. This Activity Drop Form shall remain in effect for a minimum of one calendar year, with a built-in fifteen (15) day grace period for reconsideration. In order for a student's withdrawal to be effective and thereby remove him or her from the Testing Pool, the Activity Drop Form must be signed by both the student and a parent/guardian.
- Students who volunteer to be part of the testing pool may opt out of the program by submitting a drop form signed by the student and parent(s)/guardian(s).
- The district will test a minimum of **20%** of the total number of students in the Testing Pool annually.

### TESTING PROCEDURES

- A confidential testing schedule will be created by the administration prior to the initiation of the program to ensure that the testing of eligible students is conducted in a manner that is random.
- Testing will only occur on student contact days during the academic year.
- Selection of eligible students for testing will be conducted in a purely and entirely random basis, which will be carried out as follows:
  - The students eligible for testing will be assigned random identification numbers in order to maintain confidentiality and to ensure the integrity of the randomness of the testing program.
  - Periodically, the testing coordinator will arrange for the random selection of ID **numbers** assigned to members of the Testing Pool.
  - The testing coordinator or designee will notify the individuals selected for testing (participants) and escort the participants to a secure testing site in the Nurse's Office or other bathroom facility in the building.



# POLICY

NUTLEY

## BOARD OF EDUCATION

PUPILS

2435.1/Page 5 of 8

STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

- The Testing Site will have a secured bathroom that will maximize the privacy of the participant and ensure the integrity of the sample collection process. Water sources shall be turned off and toilet water will be blued to prevent adulteration of test specimens.
- In the event of a student absence, an alternate selection will be made from the testing pool.
- The names and/or any other personally identifiable information of the participant will remain confidential.

### COLLECTION OF SAMPLES

- All aspects of the Program, including the taking of specimens, will be conducted so as to safeguard any and all personal and/or privacy rights of the participant to the maximum extent possible. The Policy treats a participant's test results as a confidential health record pursuant to both federal and state regulations. 42 C.F.R., 2.1 and 2.2; N.J.A.C. 6A: 16-1.5. As such, any information obtained by the Program which would identify the participant as a drug or alcohol user may be disclosed only for those purposes and under those conditions permitted by federal regulations in accordance with 42 C.F.R. - Part II. No testing record of any participant will be used to initiate or substantiate any criminal charges against a participant or to conduct any investigation of him or her, and the district shall not share participant's individual test results with law enforcement authorities.
- Any information transmitted to an approved outside agency for testing or processing will not contain any personally identifiable information of the participant. The approved outside agency will consult with and guide the school nurse in the collection of specimens in accordance with federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards.
- In administering the Program, the district will test for the presence of certain substances that may include, but are not limited to the following substances or their metabolites: alcohol, amphetamines, barbiturates, benzodiazepines, cocaine, marijuana, MDMA (a/k/a Ecstasy), methadone, methamphetamines, opiates, oxycodone, PCP, anabolic steroids, tricyclic anti-depressants, and/or any other substance defined as a "controlled substance" by either New Jersey or Federal law.
- The participant shall submit a urine and/or saliva screen according to the Consent to Test Form.



# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
2435.1/Page 6 of 8  
STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

- The participant shall complete a specimen control form that bears the assigned identification number. Only designated school personnel shall know the assigned number for each participant.
- The school nurse will collect specimens from the selected student. Any information transmitted to a licensed laboratory for testing or processing will not contain any personally identifiable information of the participant.
- **Any attempt by a participant to tamper with the specimen collection process will deem and constitute the specimen as positive.**
- **Refusal of a participant to provide a sample will be interpreted as a positive result.**
- All efforts will be made to minimize the instructional impact of testing and to maintain the confidentiality and privacy rights of participants. All urine testing will be conducted in a closed-door restroom without direct observation by adult monitors.

### NOTIFICATION OF TESTING AND TESTING RESULTS

- The parent(s) or guardian(s) of students selected for testing will receive a phone call or message following a participant's completion of the Testing Process.
- Where a participant's test is confirmed positive, the participant's parent(s) or guardian(s) will be contacted directly by a Medical Review Officer (MRO) to conduct a consultation. The consultation will address the reasons for the positive test and a decision will be made by the MRO regarding the legitimacy, validity, or accuracy of a positive test. The MRO will determine if that substance has been taken pursuant to a legal prescription.
- Results of the participant's test confirmed by the MRO will be provided to the designated personnel within twenty-four (24) hours of the MRO's consultation with the participant and his or her parent(s) or guardian(s).
- Participants' test results will be kept in confidential files separate and apart from his or her other educational records, and shall be disclosed only to those personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the Program or the consequences of violating the policy. Student drug testing information resulting from the Program will not be turned over to any law enforcement authorities except under circumstances in which the district is legally compelled to surrender or disclose such test results. N.J.A.C. 6A:16-3.2.



# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
2435.1/Page 7 of 8  
STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

- The district respects the privacy of its students and shall maintain confidentiality regarding any alcohol and drug testing for this Program. The results will only be released to parent(s) or guardian(s) of the student and the SAC (Student Assistance Counselor). All records and subsequent actions shall be kept in a file separate from the student's regular file. The district personnel will not release records of drug and alcohol tests or any resulting action to anyone other than the pupil and/or his/her parent/guardian without the written authorization from the pupil and/or his/her parent/guardian, in accordance with 42. C.F.R. - Part II.

### CONSEQUENCES

- Consequences will result from the following:
  - A confirmed positive alcohol or drug test,
  - Refusal to participate in testing when selected, and/or
  - Tampering with the specimen collection process.
- Students will be ineligible for participation in any athletics, extra-curricular activities, or school clubs, unless they complete the Random Drug and Alcohol Testing Program: Consent to Test Form.

### CONSEQUENCES OF A CONFIRMED POSITIVE – NUTLEY HIGH SCHOOL

- The Principal or designee will contact the parent(s) or guardian(s) to remove the student from school and make arrangements for the mandatory medical examination pursuant to N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3.
- The Participant will be removed from any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) week.
- The participant shall have a minimum of six (6) visits with the Student Assistance Counselor (SAC), one of which must occur within the week immediately following the confirmed positive test.
- The participant shall attend and complete an Early Intervention Counseling Program. The participant shall attend this program at an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. The participant must enter an approved program within one (1) week of the receipt of the confirmed positive test result.



# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
2435.1/Page 8 of 8  
STUDENT RANDOM ALCOHOL  
AND DRUG TESTING

Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.

- The parent(s)/guardian(s) are responsible for the cost of the treatment program.
- In accordance with N.J.A.C. 18A:40A-12 and N.J.A.C. 6A:16-4.3, the participant must be evaluated by a physician before returning to school and a written report must be furnished to the school district certifying that substance use no longer interferes with the student's mental or physical ability to participate in school.
- The participant must submit a negative drug test prior to returning to any athletics, extra-curricular activities, or school clubs.
- If the participant submits a confirmed positive drug test a second time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum of thirty (30) consecutive school days.
- A participant who submits a confirmed positive drug test a second time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. The evaluation must be performed by an agency or with a clinician that is appropriately licensed and certified to provide substance abuse treatment. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- If the participant submits a confirmed positive drug test a third time, the participant will forfeit the privilege of participation in any athletics, extra-curricular activities, or school clubs for a minimum period of one (1) calendar year.
- A participant who submits a confirmed positive drug test a third time must participate in a substance abuse evaluation and follow any recommendations made by the evaluator. This evaluation must be performed by an agency or with a clinician that is licensed and certified to provide substance abuse treatment. Parent(s)/guardian(s) must sign a Release of Confidential Information for the school and treatment agency to communicate about the participant's compliance.
- **Failure to follow through on procedures as set forth herein will result in participant being deemed ineligible for any athletics, extra-curricular activities or school clubs.**

Adopted: 28 January 2008





# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 1 of 46  
SUBSTANCE ABUSE

### 5530 - SUBSTANCE ABUSE

#### 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 46  
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 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.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 3 of 46  
SUBSTANCE ABUSE

### 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 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.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 4 of 46  
SUBSTANCE ABUSE

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 46  
SUBSTANCE ABUSE

### 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.

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.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 6 of 46  
SUBSTANCE ABUSE

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.

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 7 of 46  
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").
  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.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 8 of 46  
SUBSTANCE ABUSE

- 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.
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 9 of 46  
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.
    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

# POLICY

NUTLEY

## BOARD OF EDUCATION

PUPILS

5530/Page 10 of 46

SUBSTANCE ABUSE

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. 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**.
- g. 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

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 11 of 46  
SUBSTANCE ABUSE

be called to escort the student to the nearest emergency room or approved medical facility.

- h. 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.
- i. 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.
- j. ***IN ALL CIRCUMSTANCES, IF A TEST IS NOT ADMINISTERED WITHIN TWO (2) HOURS, AN EVALUATION AT A SCHOOL APPROVED OUTPATIENT TREATMENT AGENCY SHALL BE MANDATED.***
- 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.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 12 of 46  
SUBSTANCE ABUSE

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.**

### 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 guardian expense.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 13 of 46  
SUBSTANCE ABUSE

- b. Parents/guardians and the student present have signed Release of Confidential Information from a **SCHOOL-APPROVED OUTPATIENT TREATMENT PROVIDER APPROPRIATELY CERTIFIED IN SUBSTANCE ABUSE** 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.
- c. Results of an evaluation from a **SCHOOL-APPROVED OUTPATIENT TREATMENT PROVIDER APPROPRIATELY CERTIFIED IN SUBSTANCE ABUSE** must be 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. **HOWEVER, THE PROVIDER ASSESSING THE STUDENT MUST BE TRAINED IN ALCOHOL /CHEMICAL DEPENDENCY ABUSE AND MUST BE CERTIFIED TO PROVIDE SUCH SERVICES BY THE NJ STATE BOARD OF EXAMINERS.**
- 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. **TREATMENT MUST BE PROVIDED 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 SAC may act on parent/guardian's behalf by contacting their program of choice.
- e. **HOMEBOUND INSTRUCTION WILL COMMENCE AFTER FIVE ABSENCES DUE TO POSITIVE SCREEN RESULTS WITH DETAILS TO BE ARRANGED BY THE OFFICE OF SPECIAL SERVICES. STUDENTS IN VIOLATION OF THE SUBSTANCE ABUSE POLICY WILL COMPLY WITH ALL PROCEDURES**

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 14 of 46  
SUBSTANCE ABUSE

***OUTLINED IN THE HOMEBOUND INSTRUCTION POLICY. ALL COSTS FOR HOMEBOUND INSTRUCTION WILL BE 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.
  - 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.

# POLICY

NUTLEY  
BOARD OF EDUCATION

PUPILS  
5530/Page 15 of 46  
SUBSTANCE ABUSE

**5. STUDENTS VIOLATING THE SUBSTANCE ABUSE POLICY  
WILL BE MANDATED TO COMPLETE A RANDOM DRUG  
TESTING CONSENT FORM AND WILL ENTER INTO THE  
RANDOM DRUG TESTING POOL.**

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.

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.

# POLICY

**NUTLEY  
BOARD OF EDUCATION**

PUPILS  
5530/Page 16 of 46  
SUBSTANCE ABUSE

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 17 of 46  
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 18 of 46  
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 19 of 46  
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;
    - 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;

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 20 of 46  
SUBSTANCE ABUSE

- 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. **RECEIVE HOMEBOUND INSTRUCTION WITHIN FIVE SCHOOL DAYS OF SUSPENSION;**
  - 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 21 of 46  
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 22 of 46  
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 23 of 46  
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 24 of 46  
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 25 of 46  
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 26 of 46  
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 27 of 46  
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 28 of 46  
SUBSTANCE ABUSE

### **PART XIII – STEROID PREVENTION PROGRAM**

- A. As a requirement for participation in interscholastic sports, all parents/guardians are required to give permission for the school physician or medical practitioner of their choosing to perform an examination and possible testing for steroid use.
- B. Steroid identification and testing during the individual sport season will follow the following steps.

- 1. Coaching and medical staff shall become educated on the signs/symptoms of steroid use and shall closely observe student athletes while participating in the individual sport or during medical examinations.
  - a. The examining physician will identify students suspected of steroid use for urine testing by using the Steroid Detection Protocol Form. This form or information about candidates for possible testing will be provided to the Director of Athletics and the Student Assistance Counselor.
  - b. Coaches will identify players who display physical manifestations or behavior consistent with symptoms of steroid use and report candidates for possible testing to the Director of Athletics and/or the Student Assistance Counselor.
- 1. Random urine samples may be collected from athletes, students engaging in extra-curricular activities, clubs, or other organizations sponsored by the school district. Any random urine collection/tests shall be performed in accordance with state and federal law.

At the time of collection the Student Assistance Counselor or other designated member of the alcohol and drug "program" shall provide students with an orientation to include:

- a. A review of the Board Policy regarding use of alcohol and other drugs, specifically steroids, along with consequences.
- b. An opportunity to voluntarily disclose themselves as "in violation of the policy" by completing the Personal Disclosure Statement in the

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 29 of 46  
SUBSTANCE ABUSE

Appendix and implications for testing positive on this test. Students voluntarily making such a disclosure will be seen by a Student Assistance Counselor on the next school day.

- c. A review of the submission and collection of procedures.
- d. Failure to submit a sample will result in the student being declared ineligible to participate in ANY extra-curricular activity, sport, club, etc., until a sample has been submitted and reviewed.
- 2. Students testing positive will be treated under the same procedures as outlined in this policy with the following additional sanctions:
  - a. First offense – ineligibility to participate in interscholastic sports for one calendar year from the date of the offense.
  - b. A second offense shall declare the student ineligible for the student's remaining career in the Nutley Public Schools.

# POLICY

NUTLEY  
BOARD OF EDUCATION

PUPILS  
5530/Page 30 of 46  
SUBSTANCE ABUSE

## PART XIV – 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 46  
SUBSTANCE ABUSE

### PART XV – 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 46  
SUBSTANCE ABUSE

## **PART XVI – 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 46  
SUBSTANCE ABUSE

## APPENDIX

This Appendix contains various forms that can be used.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 34 of 46  
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 \_\_\_\_\_ Presentation of second opinion assessment.
- \_\_\_\_\_ 4. Contact the I&RS Team for development of an action plan.

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 35 of 46  
SUBSTANCE ABUSE

- \_\_\_\_ 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 36 of 46  
SUBSTANCE ABUSE

## PHYSICIAN'S STEROID DETECTION PROTOCOL

STUDENT NAME \_\_\_\_\_ DATE \_\_\_\_\_

STUDENT'S ADDRESS \_\_\_\_\_

I. PHYSICIAN'S VISUAL EXAMINATION (check if observed)

- \_\_\_\_\_ Excessive body mass (muscle)
- \_\_\_\_\_ Upper back acne
- \_\_\_\_\_ Testicular abnormality (males only)
- \_\_\_\_\_ Breast enlargement (males) or shrinkage (females)
- \_\_\_\_\_ Hair loss (males) or body hair growth (females)
- \_\_\_\_\_ Secondary sex characteristics (females)
- \_\_\_\_\_ Other (specify) \_\_\_\_\_

II. FINAL REVIEW

If two or more symptoms are observed, a second physician must see the student for final review.

III. REVIEW BY A SECOND PHYSICIAN

- \_\_\_\_\_ I recommend urinalysis for steroid detection
- \_\_\_\_\_ I recommend urinalysis for steroid detection at this time but recommend further observation for possible use.
- \_\_\_\_\_ I do not recommend urinalysis for steroid detection.

IV. TEST RESULTS (attach report)

Date received \_\_\_\_\_ Positive \_\_\_\_\_ Negative \_\_\_\_\_

V. ACTION TAKEN

- \_\_\_\_\_ First offense: refer to sanctions in the Board of Education Policy on Alcohol, Tobacco, and Other Drug Abuse. The student will also be ineligible to participate in interscholastic sports for one year from the date of the offense. The student shall be required to undergo another physical examination before being considered eligible for another sport.
- \_\_\_\_\_ Second offense: student shall be ineligible for all interscholastic sports for the student's remaining career in the Nutley Public Schools.

# POLICY

**NUTLEY**  
**BOARD OF EDUCATION**

PUPILS  
5530/Page 37 of 46  
SUBSTANCE ABUSE

Date declared ineligible \_\_\_\_\_ Eligibility date \_\_\_\_\_

Name of Doctor \_\_\_\_\_ Address \_\_\_\_\_

Address of Doctor \_\_\_\_\_

Phone \_\_\_\_\_

APPENDIX V

# POLICY

NUTLEY  
BOARD OF EDUCATION

PUPILS  
5530/Page 38 of 46  
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 39 of 46  
SUBSTANCE ABUSE

NUTLEY SCHOOL DISTRICT  
STUDENT ASSISTANCE PROGRAM

RELEASE OF INFORMATION *FROM A FACILITY*

I, \_\_\_\_\_, do hereby give permission to  
(name of student)

\_\_\_\_\_  
(name of agency or program)  
to disclose to: \_\_\_\_\_ of the  
(name of staff member)  
Nutley School District Student Assistance Program \_\_\_\_\_  
(address)

I understand that the specific type of information to be disclosed shall be limited to  
the categories listed below:

_____ drug/alcohol information	_____ academic/attendance/discipline
_____ laboratory work	_____ evaluation results
_____ psychosocial history	_____ treatment recommendations
_____ other _____	

I understand that the purpose or need for this disclosure is to **support the student through clear communication; and to be in compliance with school policy.** I also understand that this consent is revocable except to the extent that action has been taken in reliance thereon, and that this consent will remain in force until \_\_\_\_\_ in order to effectuate the purpose for which it was given.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 40 of 46  
SUBSTANCE ABUSE

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulation (42 CFR, 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. The Federal rules restrict any use of the information to criminally investigate or prosecute the patient.



# POLICY

NUTLEY  
BOARD OF EDUCATION

PUPILS  
5530/Page 41 of 46  
SUBSTANCE ABUSE

NUTLEY SCHOOL DISTRICT  
STUDENT ASSISTANCE PROGRAM

RELEASE OF INFORMATION *FROM A SCHOOL*

I, \_\_\_\_\_, do hereby give permission to  
(name of student)

\_\_\_\_\_, of the Nutley School District Student  
(name of staff member)

Assistance Program, to disclose to : \_\_\_\_\_  
(name of person & organization)

I understand that the specific type of information to be disclosed shall be limited to the categories listed below:

_____ drug/alcohol information	_____ academic/attendance/discipline
_____ laboratory work	_____ evaluation results
_____ psychosocial history	_____ treatment recommendations
_____ other _____	

I understand that the purpose or need for this disclosure is to **support the student through clear communication; and to be in compliance with school policy.** I also understand that this consent is revocable except to the extent that action has been taken in reliance thereon, and that this consent will remain in force until \_\_\_\_\_ in order to effectuate the purpose for which it was given.

\_\_\_\_\_  
Signature of Student

\_\_\_\_\_  
Signature of Parent or Legal Guardian

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness

# POLICY

NUTLEY

BOARD OF EDUCATION

PUPILS

5530/Page 42 of 46

SUBSTANCE ABUSE

This information has been disclosed to you from records whose confidentiality is protected by Federal Law. Federal Regulation (42 CFR, 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. The Federal rules restrict any use of the information to criminally investigate or prosecute the patient.

# POLICY

NUTLEY  
BOARD OF EDUCATION

PUPILS  
5530/Page 43 of 46  
SUBSTANCE ABUSE

## APPENDIX III

### 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
  - \*\*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.
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

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 44 of 46  
SUBSTANCE ABUSE

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

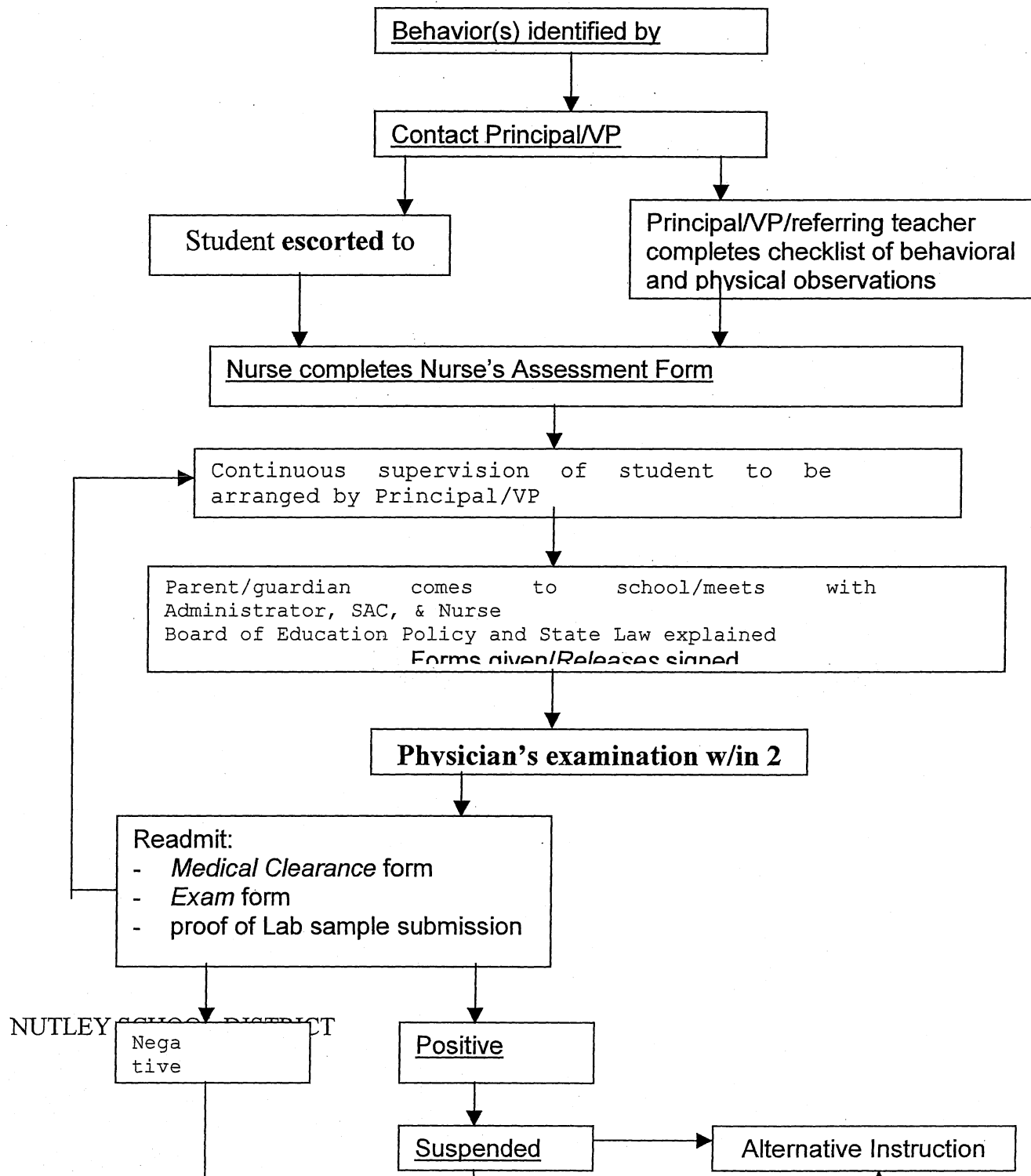
*(Copy to remain with administrator)*

# POLICY

## NUTLEY BOARD OF EDUCATION

PUPILS  
5530/Page 45 of 46  
SUBSTANCE ABUSE

### SUBSTANCE ABUSE POLICY FLOW CHART



# POLICY

**NUTLEY**  
**BOARD OF EDUCATION**

PUPILS  
5530/Page 46 of 46  
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

**APPENDIX**

Adopted: 28 January 2008