

POLICY

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Substance Abuse

5530- SUBSTANCE ABUSE

The Board of Education of the Nutley Public School District recognizes that drug/alcohol abuse presents a growing problem in society and is aware of the vital role performed by the schools in the efforts of the community to control this problem. The Board believes that an educational and therapeutic approach to the problem is more effective than one that is solely punitive in nature. The Board's concern is to protect students who do not use or abuse drugs/alcohol and provide help for those who do. The Board of Education pledges not only to meet, but also to exceed, State and federal mandates for an alcohol and drug-free district by providing the best programs possible for enforcement, intervention, and prevention of drug and alcohol abuse.

Definitions:

For purposes of this policy and the regulations promulgated hereunder, these relevant terms are defined as follows:

“Substance” shall mean alcoholic beverages, anabolic steroids and all other controlled dangerous substances as defined by N.J.S.A. 2C:35-2 and N.J.S.A. 24: 21-2 and include any chemical or chemical compound which causes a condition of intoxication, inebriation, excitement, or dulling of the brain or nervous system, (including but not limited to glue or other substances containing a solvent having the property of releasing toxic vapor or fumes), taken for purposes other than the treatment of sickness or injury as prescribed or administered by law to treat sick or injured human beings.

“Alcohol” is any beverage containing a percentage of alcohol, which is prohibited from sale and/or possession by individuals less than 21 years of age.

“Drug Paraphernalia” is all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.

“Under the influence” means that the pupil is observed in the use of alcohol or a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

“Alcohol/Drug assessment” means those procedures used by a certified or licensed professional to make a determination of a pupil's need for programs and services which extend beyond the general school program by virtue of the student's drug



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use/abuse, learning, behavior, or health difficulties of the pupil or the pupil's family.

“Intervention” means those programs, services, and actions taken to identify and offer help to a pupil at risk for learning, behavior, or health difficulties.

“Referral for treatment” means those programs and services recommended to a student or their family to help implement the recommendations of a drug/alcohol assessment or in response to the family's request for assistance with a learning, behavior, or health difficulty.

“Student Assistance Coordinator” is an individual who possesses the necessary substance awareness coordinator certification from the New Jersey Department of Education and who is employed by the District to provide counseling, information, and referrals for students and family members with alcohol/drug problems and/or other mental health issues.

“Immediate Medical Examination” means an evaluation of a student's health status by a licensed physician to include clinical observations, a monitored drug screen, and other measures deemed necessary for the purposes of this policy.

“Monitored Drug Screen” means a urine or blood test which is conducted in a licensed medical facility, or by an appropriately licensed/credentialed individual, which meets Board-established criteria and is monitored by appropriate personnel certified to conduct such services. The screen shall test for a series of metabolic panels which indicate the use of illegal substances or alcohol and shall also test for possible adulterants.

“Performance Enhancing Substances” refers to any over the counter, prescription, and illicit drugs used for the purpose of improving athletic performance including anabolic steroids.

“Treatment” encompasses, but is not limited to, a structured supervised experience designed to help a person change behaviors which are creating serious problems for a person.

The Board shall provide a comprehensive program of prevention, intervention, enforcement, referral for evaluation, referral for treatment, and continuity of care for pupils under the influence of alcohol, tobacco or other controlled substance which shall include an appropriate health curriculum in the schools to assist in reducing or eliminating the incidence and prevalence of student alcohol, tobacco, other drug abuse including anabolic steroids and in conformance with the guidelines published by the New Jersey Department of Education.



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The Superintendent shall annually prepare and submit to the Board, for its review and approval, a report on the efficacy of the Board's policies and regulations on student alcohol and other drug abuse. The district will work in conjunction with local health agencies, law enforcement, and parent organizations to provide additional educational programs for parents/guardians. Annual notification of the availability of this policy shall be made through the District's website and shall be provided to any parent upon request. Each newly hired employee and transferred pupil will be offered this policy and the implementing regulations on his/her arrival in the district.

The Board prohibits the use, possession, sale, exchange, transfer and/or distribution of alcohol or any substance by a student while at school, on school property, attending a school-related function, on or off campus, and coming to and going from school and/or a school-sponsored function.

A student who requires the use of a prescription or over-the-counter medication shall obtain permission for same in accordance with Board Policy 5330 and such medication shall only be administered in compliance with the strict terms of that Policy. No student will use any prescription drugs or over-the-counter medications not prescribed to the student and such use will be considered a violation of this policy.

No student shall aid, assist or conceal the possession, consumption, purchase, transfer, sale, exchange or distribution of any substance by any other pupil or pupils in any of the instances set forth in the preceding paragraph.

Students are prohibited from smoking cigarettes or using tobacco products in any form in compliance with Board Policy 5533 and the Student Code of Conduct.

Any student who is found in violation of this policy shall be subject to discipline, including suspension or expulsion from school, and may be reported to law enforcement authorities pursuant to N.J.A.C. 6A:16-6.3.

Chief School Administrator. It is the responsibility of the chief school administrator to develop administrative regulations to implement this Substance Abuse Policy and to inform students, staff, and parents about the substance abuse policy of the school district including:

- a. Establishing and maintaining a realistic and meaningful drug/alcohol education program that shall be incorporated into the



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total educational process with special attention being given to meeting the needs of students with drug/alcohol use problems.

- b. Establishing and maintaining an ongoing in-service drug/alcohol education program for all school personnel that will enable them to readily identify students involved with substance use/abuse and familiarize themselves with appropriate referral procedures and confidentiality requirements.
- c. Identifying, evaluating, disciplining and counseling students involved in drug/alcohol use using appropriately certified staff, and establishing procedures and directives for notifying parents/guardians and local law enforcement agencies as appropriate.
- d. Encouraging and supporting student-run organizations and activities that develop a positive peer influence in the area of drugs/alcohol.

Confidentiality. Employees and staff members who are involved in the substance abuse intervention and treatment programs of students shall adhere to the confidentiality requirements of 42 C.F.R. Part 2 and N.J.A.C. 6A:16-6.5 except as specifically permitted therein. Any exchange of information will remain between the student, the Student Assistance Counselor, and those individuals with educational responsibility for the student as permitted under the regulations and who shall be bound by these same confidentiality requirements.

Suspected distribution on school premises. All staff members shall be alert to signs of substance use by pupils and shall respond to those signs in accordance with the procedures established under this policy, which procedures shall require students suspected of such use to undergo a medical examination and urine/blood analysis. The Board may establish consequences for a pupil who does not follow through on any referrals for an examination, intervention or treatment recommendations made under this policy.

Law Enforcement. Any school employee/staff member who has reason to believe that (a) student(s) or staff member(s) is distributing, selling, using, or transferring controlled dangerous substances, including anabolic steroids on school premises shall bring that information to the school principal who shall immediately report the information to the superintendent. The superintendent shall report the information to the appropriate law enforcement officials and shall remain the district's contact person for the law



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enforcement agency unless otherwise delegated. The superintendent and school personnel shall cooperate with the law enforcement authorities in accordance with law and the Memorandum of Agreement between Education and Law Enforcement Officials. If the police are summoned to school property, the Board shall be notified as soon as possible, but in no event later than the next board meeting, as to the reason for the police presence and the results thereof.

If an arrest is to be made on school property, and no exigent circumstances exist, every effort shall be made to enable the law enforcement personnel to carry out the arrest in a manner that is least disruptive to the student and the educational environment. The superintendent or the principal shall immediately notify the student's parent/guardian whenever a pupil is arrested on school property.

Civil Liability. No civil action shall lie against any employee, officer, staff member or agent of the Board by virtue of good faith actions taken pursuant to this policy provided that such individuals exercise the skill and care which is ordinary required by such employees.

Legal References:

29 USC 705(20) (C) (IV)
42 C.F.R. Part 2 – Confidentiality of alcohol and drug abuse patient records
N.J.S.A. 2C:33-15, 16
N.J.S.A. 2C:35-1 (New Jersey Comprehensive Drug Reform Act of 1987)
N.J.S.A. 2C357, 10, 10.4
N.J.S.A. 9:6-1 et seq.
N.J.S.A. 9:17A-4
N.J.S.A. 18A:25-2
N.J.S.A. 18A:36-19.2
N.J.S.A. 18A:37-1, 2
N.J.S.A. 18A:38-25
N.J.S.A. 18A:38-31
N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:8-3.1
N.J.A.C. 6A:9-13.2
N.J.A.C. 6A:14-2.8
N.J.A.C. 6A:16-1.1 et seq.
N.J.A.C. 6A:16-4.1 et seq.

Related Policies and Procedures



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Adopted: 03 May 2004
Revised: 28 January 2008
Revised: 24 March 2008
Revised: 25 January 2010
Revised: 27 January 2014

