

LONG BRANCH PUBLIC SCHOOLS
STUDENT ASSISTANCE PROGRAM REFERRAL FORM

PERSONAL/CONFIDENTIAL

Please give this form to the Student Assistance Counselor in your building.

Student _____ Grade _____

Referral Date _____ Referred By _____

PLEASE CHECK RELEVANT ITEMS and COMMENT:

I. ACADEMIC PERFORMANCE

COMMENTS

- ☐ Decline in quality of work
- ☐ Decline in grade earned
- ☐ Incomplete work
- ☐ Work not handed in
- ☐ Failing in this subject

II. CLASSROOM CONDUCT

COMMENTS

- ☐ Disruptive in class
- ☐ Inattentiveness
- ☐ Lack of concentration
- ☐ Lack of motivation
- ☐ Sleeping in class
- ☐ Impaired memory
- ☐ Extreme negativism
- ☐ In-school absenteeism (skipping)
- ☐ Tardiness to class
- ☐ Defiance; breaking rules
- ☐ Frequently needs discipline
- ☐ Cheating
- ☐ Fighting
- ☐ Throwing objects
- ☐ Defiance of authority
- ☐ Verbally abusive
- ☐ Obscene language, gestures
- ☐ Sudden outbursts of temper

COMMENTS

- ☐ Vandalism
- ☐ Frequent visits to nurse, counselor
- ☐ Frequent visits to lavatory
- ☐ Hyperactivity, nervousness

III. **OTHER BEHAVIOR**

- ☐ Erratic behavior day-to-day
- ☐ Change in friends and/or peer group
- ☐ Sudden, unexplained popularity
- ☐ Mood swings
- ☐ Seeks constant adult contact
- ☐ Seeks adult advice without a specific problem
- ☐ Time disorientation
- ☐ Apparent changes in personal values
- ☐ Depression; low affect
- ☐ Defensiveness
- ☐ Withdrawal; a loner; separateness from others
- ☐ Other students express concern about a possible problem
- ☐ Fantasizing; daydreaming
- ☐ Compulsive overachievement; preoccupied with school success
- ☐ Perfectionism
- ☐ Difficulty in accepting mistakes
- ☐ Rigid obedience
- ☐ Talks freely about drug use; bragging
- ☐ Associates with known drug users

IV. **POSSIBLE AODA-SPECIFIC BEHAVIORS**

Witnessed	Suspected
<input type="checkbox"/>	<input type="checkbox"/> Selling; delivering
<input type="checkbox"/>	<input type="checkbox"/> Possession of alcohol, drugs
<input type="checkbox"/>	<input type="checkbox"/> Possession of drug paraphernalia
<input type="checkbox"/>	<input type="checkbox"/> Use of alcohol, drugs
<input type="checkbox"/>	<input type="checkbox"/> Intoxication
<input type="checkbox"/>	<input type="checkbox"/> Physical signs, symptoms
<input type="checkbox"/>	<input type="checkbox"/> Others?

What actions have you already taken? (e.g., shared concern and data with student, initiated consequences, parent contact, etc.):

What actions do you contemplate taking?

Thank you for your help and concern.

*Rosalie M. Eig
Director of Funded Grants*

**LONG BRANCH PUBLIC SCHOOLS
STAFF REFERRAL FEEDBACK FORM**

PERSONAL/CONFIDENTIAL

To: _____

From: _____

Date: _____

Re: Status of your referral of _____ to the Student
Assistance Program. (Student's Name)

The following indicates the status of the above named student within the Student Assistance Program:

- ☐ The in-school assessment process has begun, involving input from other staff;
- ☐ A home contact has been made;
- ☐ The student is involved in regular counseling interviews with _____;
(Name)
- ☐ The student has been referred to a support group in school;
- ☐ The student has been referred for formal assessment and/or rehabilitation program and should be returning to your classroom by _____. Please contact me regarding those assignments on which he/she may be working until returning to school.
- ☐ Our assessment indicates no need for further action at this time;
- ☐ Other: _____

I will be happy to provide you with whatever additional information I can within the limits of privacy and confidentiality. I can be reached at extension _____, or in room _____.

RME/mt
7/07

(Signature)

LONG BRANCH PUBLIC SCHOOLS
STUDENT ASSISTANCE PROGRAM
BEHAVIOR SCREENING

Please Print:

Student's Name: _____ Grade: _____

Date Observed: _____

The following behaviors were observed during the time period indicated above:

- ☐ Poor Motor Coordination
- ☐ Slurring of Speech
- ☐ Drowsiness
- ☐ Red Eyes or Dilated Pupils
- ☐ Smelling of Alcohol
- ☐ Smelling of Marijuana
- ☐ Extreme Behavior Change (acutely aggressive or disruptive)
- ☐ Observed Use of Drugs/Alcohol
- ☐ Observed Possession/Sale of Drugs/Alcohol
- ☐ Student admitted that he/she is currently under the influence of drugs/alcohol.
- ☐ Other _____

Date: _____ Referral Source: _____
Please Print Name

LONG BRANCH PUBLIC SCHOOLS

COUNSELING REFERRAL: STUDENT ASSISTANCE COUNSELING PROGRAM

Please Print: _____

Date: _____

Student Name: _____ Date of Birth: _____

School: _____ Grade: _____ Teacher: _____

Referred By: _____

1. Why is this student being referred? (Be specific.)

2. Describe social adjustment:

3. Describe emotional adjustment:

4. Describe physical adjustment:

5. Describe academic performance (subjects & areas of difficulty):

6. What has been done to help?

7. Recommendations:

6A:16-3.1 Establishment of comprehensive alcohol, tobacco and other drug abuse programs

Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment and continuity of care for student alcohol, tobacco and other drug abuse in the public elementary and secondary schools of the district according to the requirements of N.J.S.A. 18A:40A-10.

1. The purpose of the prevention component of the program shall be to:

- i. Keep students from using alcohol, tobacco or other drugs;
- ii. Reduce the incidence and prevalence of student alcohol, tobacco and other drug abuse;
- iii. Reduce the age of onset of students' first use of alcohol, tobacco or other drugs;
- iv. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school community based planning processes;
- v. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;
- vi. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and
- vii. Actively involve staff, parents and other community members in the development and implementation of prevention program plans.

2. The purpose of the intervention, referral for evaluation and referral for treatment components of the program shall be to:

- i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;
- ii. Help students or their families who have requested assistance for an alcohol, tobacco or other drug abuse problem;
- iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment which extends beyond the general school program by virtue of the use of alcohol, tobacco or other drugs by the student or the student's family;

- iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco or other drugs by the student or the student's family.
- 3. The purpose of the continuity of care component of the program shall be to:
 - i. Assist with the provision of educational programs and services for students in treatment; and
 - ii. Plan and provide supportive services for students who are returning from treatment.
- 4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco and other drug abuse prevention and intervention according to the requirements of N.J.S.A. 18A:40A-3 and N.J.S.A. 18A:40A-15. The in-service training shall be updated annually in order to ensure educational staff members have the most current information available on the subject of substance abuse and the district's comprehensive alcohol, tobacco and other drug abuse program, policies and procedures.
- 5. Substance awareness coordinators employed by district boards of education shall assist local school districts in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 18A:40A-18 and N.J.A.C. 6A:16-3 through 7.
- 6. Each district board of education shall establish educational programs on alcohol, tobacco and other drug abuse for parents and guardians according to the requirements of N.J.S.A. 18A:40A-16 and 18A:40A-17(a) and offered at times and places convenient to the parents and guardians of enrolled students.
- 7. Each district board of education shall make and enforce regulations to prohibit the smoking of tobacco anywhere in its buildings, except as part of a classroom instruction or theatrical production, according to the requirements of N.J.S.A. 26:3D-17.

6A:16-3.2 Confidentiality of Student Alcohol and Other Drug Information

- (a) Each district board of education shall assure compliance with the following confidentiality requirements:
 - 1. Confidentiality of Alcohol and Drug Abuse Patient Records, Pursuant to 42 CFR Part 2.
 - 1. Confidentiality of information provided by a secondary school student while participating in a school-based drug and alcohol counseling program which indicates that the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 through 18A:40A-7.2.

Programs to Support Student Development, N.J.A.C. 6A:16

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SUBCHAPTER 4 PROCEDURES FOR SUBSTANCE ABUSE INTERVENTION

6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

- (a) Each district board of education shall adopt and implement policies and procedures for the assessment, intervention, referral for evaluation, referral for treatment, and discipline of students whose use of alcohol or other drugs has affected their school performance, or for students who consume or who are suspected of being under the influence of the following substances in school or at school functions, according to the requirements of N.J.S.A. 18A:40A-9, 10 and 11:
 - 1. Alcoholic beverages;
 - 2. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2;
 - 3. Any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A. 2A:170-25.9;
 - 4. Over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and
 - 5. Anabolic steroids.
- (b) In adopting and implementing policies and procedures for the assessment, intervention, referral for evaluation and referral for treatment of alcohol or other drug-affected students; district boards of education shall consult with community agencies licensed by the New Jersey Department of Health and Senior Services, Division of Addiction Services, out-of-state agencies licensed by the appropriate state regulatory agency for alcohol and other drug services or private practitioners certified by the appropriate drug and alcohol licensing board.
- (c) Each district board of education's alcohol and other drug policies for students using substances, as defined in N.J.A.C. 6A:16-4.1(a), shall include the following components:
 - 1. The role of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving students on school property or at school functions;
 - 2. Specific procedures, sanctions and due process provisions for violations of the alcohol and other drug policy requiring disciplinary action by the district board of education, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The sanctions should be graded according to the severity of the offense, the nature of the problem and the student's needs;

- 3. Appropriate steps for ameliorating student problems related to

alcohol and other drug use and for providing support for student transitions to and from health and social service agencies;

4. Specific procedures to govern instances where emergency room services are required in treating alcohol or other drug-affected students;
5. The provision of assessment or evaluation services for students who are affected by alcohol or other drug use. These services shall include any of the following:
 - i. Assessment by individuals who are certified by the State Board of Examiners of the New Jersey Department of Education as substance awareness coordinators or by individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school psychologist, school social worker, or student personnel services and are trained to assess alcohol and other drug abuse;
 - ii. Examination by a physician for the purpose of determining whether alcohol or other drug use interferes with a student's physical and mental ability to perform in school;
 - iii. Referral for evaluation to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), or to out-of-state agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners certified by the appropriate drug and alcohol licensing board; and
 - iv. Evaluation by the child study team to determine a student's eligibility for special education and related services, pursuant to N.J.A.C. 6A:14-3.5 and 3.6.
6. The provision of intervention, referral for evaluation and referral for treatment services for students who are affected by alcohol or other drug use. Intervention, referral for evaluation and referral for treatment shall be provided by individuals who are certified by the State Board of Examiners of the New Jersey Department of Education as substance awareness coordinators or by individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school psychologist, school social worker, or student personnel services and are trained in alcohol and other drug abuse intervention, assessment, referral for evaluation and referral for treatment skills. These programs and services shall include any of the following:
 - i. Provisions for a program of instruction, counseling and related services provided by the district board of education while a student is receiving medical treatment for a diagnosed alcohol or other drug dependency problem;

- ii. Referral to a community agency as defined in N.J.A.C. 6A:16-4(b) or to out-of-state agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;
 - iii. Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; and
 - iv. A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.
7. Provisions for assisting parents who believe that their child may be involved with alcohol or Other drug use, in accordance with the requirements of N.J.S.A. 18A:40A-17(b).

6A:16-4.2 Review and availability of policies and procedures for the intervention of student alcohol or other drug abuse

- (a) Each district board of education shall establish a process for an annual review of the effectiveness of its policies and procedures on student substance abuse. The district board of education shall solicit community input, as well as consult in the review process with local substance abuse prevention, intervention and treatment agencies licensed by the New Jersey Department of Health and Senior Services.
- (b) Each district board of education shall annually make available to all school staff, students, and parents its adopted policies and procedures for implementing N.J.A.C. 6A:16-4.

6A:16-4.3 Reporting, notification and examination procedures for students suspected of being under the influence of alcohol or other drugs

- (a) In instances involving alcoholic beverages, controlled dangerous substances other than anabolic steroids, or any other chemical or chemical compound as identified in N.J.S.A.18A:40A-9 and N.J.A.C. 6A:16-4.1(a), the following shall apply:
 - 1. Any educational staff member or other professional to whom it appears that a student may be Currently under the influence of alcohol or other drugs on school property or at a school function shall report the matter as soon as possible to the principal and the certified or noncertified school nurse or the school physician, according to the requirements of N.J.A.S. 18A:40A-12.
 - i. In the absence of the principal, his or her designee shall be notified.
 - ii. In instances where the principal and the certified or noncertified school nurse or the school physician are not in attendance, the staff member responsible for the school function shall be immediately notified.

- iii. The referring staff member shall complete the Violence,

Vandalism and Substance Abuse Incident Report, according to the requirements of N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3 and,

2. In response to every report by an education staff member or other professional of suspected student alcohol or other drug use, the principal or his or her designee shall:
 - i. immediately notify the parent and the chief school administrator; and
 - ii. Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care for the student and for determining whether the use of alcohol or other drugs, other than anabolic steroids, interferes with the student's physical and mental ability to perform in school.
3. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy that is selected by the parent.
 - i. The district, in cooperation with medical professionals licensed to practice medicine or osteopathy, may establish the minimum requirements for the medical examination.
 - ii. When the medical examination is conducted by a physician selected by the parent, the examination shall be at the expense of the parent and shall not be at the expense of the district board of education.
4. If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
 - i. If the school physician is not available, the student shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination; and
 - ii. The student's parent, if available, shall also accompany the student.
 - iii. When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, such examination shall be at the expense of the district board of education.
5. Each district board of education shall have a plan in place for the appropriate supervision of the student:
 - i. While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or an emergency room; and

- ii. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
- 6. A written report of the medical examination shall be furnished to the parent or guardian of the student, the principal and the chief school administrator by the examining physician within 24 hours.
 - 1. The district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, may establish the minimum requirements for the medical report.
- 7. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the district shall require the parent to verify that a medical examination was performed within 24 hours. Such verification shall include, at a minimum, the signature, printed name, address and phone number of the examining physician indicating the report required by N.J.A.C. 6A:16-4.3 (a)6 is pending, and the date by which the report will be provided.
 - 1. Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).
- 8. If the written report of the medical examination is not submitted to the parent, principal and chief school administrator within 24 hours, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the physician.
- 9. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student shall be immediately returned to school.
- 10. If there is a positive determination from the medical examination, indicating that the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school.
 - i. The student shall be returned to the care of a parent as soon as possible.
 - ii. Attendance at school shall not resume until a written report has been submitted to the parent, the principal and chief school administrator from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or drug use interferes with his or her physical or mental ability to perform in school.
 - iii. The report shall verify that the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.

- iv. Removal of a student with a disability shall be made in

accordance with N.J.A.C. 6A:14-2.8.

11. While the student is at home because of the medical examination or after the student returns to school, a substance awareness coordinator or individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school psychologist, school social worker, or student personnel services and are trained to assess alcohol and other drug abuse shall:
 - i. Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation for the purpose of making a preliminary determination of the student's need for educational programs, supportive services or treatment which extend beyond the general school program by virtue of the use of alcohol or other drugs by the student. The findings of the assessment alone shall not be used to prevent a student from attending school; and
 - ii. Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for substance abuse treatment.
 - iii. The school staff members identified above may also consult with physicians and such experts in the field of substance abuse as may be appropriate.
12. If the results of a referral for evaluation have positively determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the substance awareness coordinator or individuals who hold the following endorsements on the Educational Services Certificate: school nurse, school psychologist, school social worker, or student personnel services and are trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-state agencies licensed by the appropriate state regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.
 - (b) Any educational or non-educational school staff member who in good faith reports a student to the principal or his or her designee in Compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 18A:40A-14.
 - (c) Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq.

- (d) Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c) 2.

SUBCHAPTER 5. SCHOOL SAFETY

6A:16-5.1 Code of Student Conduct

- (a) Each district board of education shall develop and implement a code of student conduct for establishing school standards and rules which define acceptable student behavioral expectations and which govern student behavior. The content of the code, at a minimum, shall include:
1. Student responsibilities and rights;
 2. Disciplinary sanctions and due process; and
 3. Positive reinforcement for good conduct and academic success.
- (b) The code shall be based on broad community involvement and accepted local core ethical values.
- (c) Each district board of education shall establish a process for an annual review and update of the code.
- (d) The code shall be disseminated annually to all school staff, students and parents.
- (e) The chief school administrator shall report annually a numerical summary of all out-of-school suspensions, expulsions and removal of students for violations of the code of student conduct to the

SUBSTANCE ABUSE PREVENTION

Policies and Procedures

N.J.A.C. 6:29-6.3-4:

6:29-6.3 Adoption of policies and procedures

- (a) District boards of education shall adopt and implement policies and procedures for the evaluation, intervention and referral to treatment of pupils whose use of alcohol and other drugs has affected their school performance or who possess, consume or who on reasonable grounds are suspected of being under the influence of the following substances in school or at school functions:
1. Alcoholic beverages;
 2. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2; and or
 3. Any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in N.J.S.A.2A:170-25.9.
- (b) In adopting and implementing policies and procedures for the evaluation, intervention and referral to treatment of alcohol or other drug-affected pupils, district boards of education shall:
1. Consult with local agencies approved by the State Department of Health; and
 2. Provide for compliance with the confidentiality requirements established in Federal regulations found at 42 CFR Part II.
- (c) Alcohol and other drug policies of district boards of education shall include, but not limited to the following components:
1. The roles of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving pupils on school property or at school functions;
 2. Specific procedures, sanctions and due process provisions for violations of the alcohol and other drug policy requiring disciplinary action by the district board of education. The sanctions should be graded according to the severity of the offense;
 3. Specific procedures to govern instances where emergency room services are required in treating alcohol or other drug-affected pupils;
 4. The provision of evaluation services for pupils who are affected by alcohol or other drug use. These services shall include any of the following:
 - i. Examination by a physician for the purpose of diagnosing whether the pupil is under the influence of alcohol and/or other drugs;
 - ii. Evaluation by the child study team to determine a pupil's eligibility for special education and/or related services when the pupil has been identified as potentially educationally handicapped;
 - iii. Assessment by individuals who are certified by the New

(6/2/93)

- Jersey Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of examiners and trained in alcohol and other drug abuse prevention; and/or
- iv. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;
5. The provision of intervention and treatment-referral services for pupils who are affected by alcohol or other drug use. Intervention and treatment-referral shall be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention. These programs and services shall include any of the following:
- i. Provisions for a program of instruction, counseling and related services provided by the district board of education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem;
 - ii. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;
 - iii. Providing support services for pupils who are in care or returning from care for alcohol and other drug dependency; and/or
 - iv. A special class or course designed to meet the needs of pupils with alcohol or other drug use problems;
6. Procedures for cooperating with law enforcement drug operations and activities on or near school property in accordance with the provisions established in N.J.A.C. 6:3-6; and
7. Provisions for the establishment of parent/guardian substance abuse education programs offered at times and places convenient to the parents of the district on school premises or other facilities.
- (d) The policies and procedures for the evaluation, intervention and referral to treatment of alcohol and other drug-affected pupils developed under this section shall be reviewed and approved by the Department of Education.

6:29-6.4 Review and availability of policies and procedures

N.J.S.. 18A:40A-16:

- (a) Each district board of education shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The district board of education shall solicit community input as well as consult with local agencies approved by the State Department of Health in the review process.
- (b) Alcohol and other drug policies and procedures for discipline, evaluation, intervention and referral to treatment of pupils shall be made available annually to all school staff, pupils and parents or guardians.

- a. The Commissioner of Education, in consultation with the Commissioner of Health, shall establish guidelines for substance abuse education programs to be offered by local boards of education to the parents or legal guardians of public school pupils. The program shall, at a minimum, provide:
- (1) A thorough and comprehensive review of the substance abuse education curriculum which will be taught to the child of the parent or guardian during the school year, with recommendations as to the ways in which the parent or guardian may enhance, reinforce and supplement that program;
 - (2) Information on the pharmacology, physiology, psycho social and legal aspects of substance abuse, and instruction to assist the parent or guardian in the identification of the symptoms and
 - (3) Information on the State, local and community organizations which are available for the prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.
- b. In addition to the guidelines required pursuant this section, the Commissioner of Education, in consultation with the Commissioner of Health, shall develop and provide to local boards of education suggested materials for the substance abuse education program for parents or legal guardians of school pupils, and shall maintain and continuously update a roster of individuals or groups available to assist boards of education in implementing this program and a list of State and local agencies and organizations which are approved by the Department of Health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show symptoms of substance abuse. L1987, c.387, N.J.S.A. 9, eff. Jan. 13, 1988.

Cooperation with Local Law Enforcement

N.J.A.C. 6:3-6.4: Reporting procedures for referring pupils or staff members suspected of drug incidents to law enforcement authorities

- (a) Subject to the provisions of N.J.A.C.6:3-6.6 below, any teaching staff member having reason to believe that a pupil or staff member has possessed or in any way been involved in the distribution of a controlled dangerous substance or drug paraphernalia on or near school property, shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.
- (b) The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the pupil or staff member involved. The chief school administrator or designee shall not disclose, however, the identity of any pupil or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the pupil or staff member is not currently involved or implicated in drug distribution activities.

1. For the purposes of this section, an admission by a pupil or staff member in response to questioning 1. For the purposes of

this section, an admission by a pupil or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance or drug paraphernalia by the principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.

5530 SUBSTANCE ABUSE (M)

M

The Board of Education recognizes that a student's abuse of harmful substances seriously impedes that student's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the Board will establish policies and procedures in operating programs to support the social, emotional, and physical development of students in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-4.1 et seq. The Board of Education will maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

A. Definitions

N.J.S.A. 18A:40A-9

N.J.A.C. 6A:16-1.3; 6A:16-4.1 et seq.

The definitions as outlined in N.J.S.A. 18A:40A et seq., N.J.A.C. 6A:16 et seq., and those terms defined in Regulation 5530 shall be used for the purposes of this Policy and Regulation.

B. Discipline

N.J.S.A. 18A:40A-10; 18A:40A-11

N.J.A.C. 6A:16-4.1(c)2.; 6A:16-6.3(a)

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds according to N.J.S.A. 18A:40A-9, 10, and 11.

A student who uses, possesses, or distributes a alcohol or other drugs will be subject to discipline in accordance with the district's Code of Student Conduct. School authorities also have the authority to impose a consequence on a student for conduct away from school grounds in accordance with the provisions of N.J.A.C. 6A:16-7.5 Discipline may include suspension or expulsion. The Board will establish consequences



for a student not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

C. Instruction

N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:16-3.1

The Board shall provide an instructional program on the nature of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-3.1

D. Reporting, Notification, and Examination

N.J.S.A. 18A:40A-11 through 18A:40A-17
N.J.A.C. 6A:16-3.1; 6A:16-4.1; 6A:16-4.2; 6A:16-4.3

1. Alcohol or Other Drugs

- a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a), on school grounds shall report the matter in accordance with N.J.A.C. 6A:16-4.3(a)1.
- b. An immediate medical examination shall be conducted and a written report of the medical evaluation shall be furnished to the parent of the student, the Principal, and the Superintendent in accordance with N.J.A.C. 6A:16-4.3(a)2 through 4.3(a)8.
- c. If the written report of the medical examination is not provided within twenty-four hours of the referral of the student, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.
- d. If the written report of the medical evaluation verifies that alcohol or other drugs do not interfere with the student's



physical or mental ability to perform in school, the student shall be immediately returned to school. If there is a positive determination from the medical examination indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school, the student shall be returned to the care of the as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent, Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student that verifies the student's alcohol or other drug use no longer interferes with his or her physical and mental ability to perform in school.

- e. Removal of a student with a disability shall be in accordance with N.J.A.C. 6A:14.
- f. While a student is at home because of the medical evaluation or after the student returns to school, an appropriately certified school staff member(s) will conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation and may initiate referral alcohol or other drug abuse treatment in accordance with N.J.A.C. 6A:16-4.3(a)12, 4.3(a)13, and 4.3(a)14.
- g. Disclosure to law enforcement authorities of the identity of a student in instances of alcohol and other drugs shall be in accordance with the requirements of N.J.A.C. 6A:16-4.3(a)3.
- h. The Board may provide additional intervention and referral services for the student according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-8.}

2. Anabolic Steroids

- a. Whenever any teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe a student has used or may be using anabolic steroids, the person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.



- b. The Principal or designee upon receiving such report shall immediately notify the parent and Superintendent and shall arrange for an examination of the student as soon as possible to determine whether the student has been using anabolic steroids in accordance with N.J.A.C. 6A:16-4.3(b)2.
 - c. Disclosure to law enforcement authorities of the identity of students in instances of anabolic steroids shall be in accordance with the requirements of N.J.A.C. 6A:16-4.3(b)3.
 - d. A written report of the examination shall be provided by the examining physician to the parent Principal, and Superintendent.
 - e. If it is determined the student has used anabolic steroids, an appropriately certified school staff member(s) shall interview the student and others to determine the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment in accordance with N.J.A.C. 6A:16-4.3(b)5.
 - f. If the results of a referral for evaluation have positively determined the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, an appropriately certified school staff member(s) shall initiate a referral for treatment to agencies and/or private practitioners as outlined in N.J.A.C. 6A:16-4.3(b)6.
- 3. A school employee who seizes or discovers alcohol or other drugs, or an item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall comply with the provisions of N.J.A.C. 6A:16-6.4.
 - 4. The Board will provide intervention, referral for evaluation, and referral for treatment services to those students that are affected by alcohol or other drug use in accordance with the provisions of N.J.A.C. 6A:16-4.1(c)7.



5. Refusal or failure by a parent to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. and N.J.A.C. 6A:16-11.
6. Refusal or failure of a student to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.

E. In-Service Training

N.J.S.A. 18A:40A-15(b)

The Board directs the Superintendent to develop a program of in-service training for all teaching staff members involved in the instruction of students in accordance with the provisions of N.J.S.A. 18A:40A-15. The Board will provide time for the conduct of the program during the usual school schedule. The in-service training program required in N.J.S.A. 18A:40A-15 shall be updated at regular intervals in order to ensure teaching staff members have the most current information available on this subject.

F. Parent Training Program/Outreach Program

N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)8

The Board will provide a parent training program/outreach program in accordance with the provisions of N.J.S.A. 18A:40A-16 and 17.

G. Records and Confidentiality of Records

42 CFR Part 2
N.J.S.A. 18A:40A-7.1; 18A:40A-7.2
N.J.A.C. 6A:16-3.2; 6A:32-7.1 et seq.

Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and



Policy 8330 regarding confidentiality. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, N.J.A.C. 6A:16-3.2, and N.J.A.C. 6A:16-6.5

If an elementary or secondary student who is participating in a school-based drug or alcohol abuse counseling program provides information during the course of a counseling session in that program which indicates that the student's parent or other person residing in the student's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only in accordance with N.J.S.A. 18A:40A-7.1 and N.J.A.C. 6A:16-3.2

H. Nonpublic School Students

N.J.S.A. 18A:40A-5; 18A:40A-17(c)

The Board has the power and duty to loan to students attending nonpublic schools located in this district and to the parents of such students all educational materials on the nature and effects of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances developed and made available by the Commissioner of Education. The Board shall not be required to expend funds for the loan of these materials.

I. Civil Immunity

N.J.S.A. 18A:40A-13; 18A:40A-14;
N.J.A.C. 6A:16-4.3(c)

No action of any kind in any court of competent jurisdiction shall lie against any employee, officer, or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers, and agents of the Board in accordance with the provisions of N.J.S.A. 18A:40A-13.

Any educational or non-educational Board employee who in good faith reports a student to the Principal or designee in compliance with N.J.A.C. 6A:16-4.3 shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.



J. Reporting Students to Law Enforcement Authorities

N.J.A.C. 6A:16-4.1; 6A:16-6.3

The Superintendent, or designee, shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids pursuant to N.J.A.C. 6A:16-4.1(c)9. The Superintendent or designee shall not disclose the identity of the student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or other drugs, pursuant to N.J.A.C. 6A:16-4.1(c)9.i. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test was obtained as a result of a district's voluntary random drug testing program pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

K. Policy Review and Accessibility

N.J.S.A. 18A:40A-10; 18A:40A-11

N.J.A.C. 6A:16-4.2(a) and (b)

The Board will annually review the effectiveness of Policy and Regulation 5530 on student alcohol and drug abuse. The Board may solicit parent, student, and community input, as well as consult in the review process with local alcohol or other drug abuse prevention, intervention, and treatment agencies licensed by the New Jersey Department of Human Services.

This Policy and Regulation shall be annually disseminated to all school staff, students, and parents through the district website or other means.

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.

N.J.A.C. 6A:16-1.1 et seq.; 6A:16-4.1 et seq.; 6A:16-6.1 et seq.

Adopted: 18 August 2010



POLICY

LONG BRANCH BOARD OF EDUCATION

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SUBSTANCE ABUSE (M)

Revised: 24 June 2015



R 5530 SUBSTANCE ABUSE (M)

M

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. "Evaluation" means 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, behavior, or health difficulties of the student or the student's family.
2. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
34. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. When parents are separated or divorced, "parent" means the person or agency who has legal custody of the student as well as the natural or adoptive parent(s) of the student provided such parental rights have not been terminated by a court of appropriate jurisdiction.
43. "Referral for evaluation" means ~~these~~ programs and services suggested to a student or his or her family in order to make a positive determination regarding a student's need for services that extend beyond the general school program.
5. "Referral for treatment" means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family's request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.



6. "School grounds" means and includes land, portions of land, structures, buildings, and vehicles, owned, operated or used for the provision of academic or extracurricular programs sponsored by the district or community provider and structures that support these buildings, such as school wastewater treatment facilities, generating facilities, and other central facilities including, but not limited to, kitchens and maintenance shops. "School grounds" also include other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds; and other recreational places owned by local municipalities, private entities, or other individuals during those times when the school district has exclusive use of a portion of such land. "School grounds" also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.
75. "Substance" as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a) means alcoholic beverages, controlled dangerous substances, including anabolic steroids as defined at N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined at N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
86. "Substance abuse" means the consumption or use of any substance for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.
97. "Under the influence" of substances means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.



B. Discipline

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

Use of a substance:

a. First offense:

Medical clearance to return to school pending toxicology results from the Board's approved physician or personal physician within 24 hours of referral

Administrative conference with Principal, student, parent and Substance Abuse Counselor (SAC)

Mandatory counseling with SAC (minimum 2-3 sessions)

Mandatory drug/alcohol evaluation within two weeks of receiving positive results

45 to 90 day random retest with levels (if positive to determine if levels of use are dropping)

30 day activity suspension (including, but not limited to any prom, senior trip, 8th grade dance, etc.) at the discretion of the Superintendent and/or designee

Removal from leadership position for the remainder of the marking period

Student's toxicology results must be negative before returning to participate in any athletic practices/events. Clubs, or extra-curricular activities

Possible police involvement

b. Second offense:



10 days out of school suspension while obtaining medical clearance to return to school pending toxicology results from Board's approved physician or personal physician within 24 hours or referral

Administrative conference with Principal, student, parent, and SAC

Mandatory counseling with SAC (minimum 3 – 5 sessions)

Mandatory drug/alcohol evaluation within two weeks of receiving positive results

Compliance with all treatment recommendations

Random retest with levels for the remainder of that current school year

60 day activity suspension (including, but not limited to any Prom, senior trip, 8th grade dance, etc.) at the discretion of the Superintendent and/or designee

Permanent removal from leadership positions for the remainder of the school year

Revocation of parking privilege

Student's toxicology results must be negative before returning to participate in any athletic practices/events, clubs or extra-curricular activities

Possible police involvement

Possible Board expulsion hearing

c. Subsequent offenses:

Same as above



Possible Board expulsion hearing

Recommendation for mandatory placement at an alternative education setting

Possession and/or distribution of a substance:

a. First offense:

10 day out of school suspension while obtaining medical clearance return to school pending toxicology results from school Board approved physician or personal physician within 24 hours of referral

Administrative conference with Principal, student, parent, and SAC

Mandatory counseling with SAC (minimum 2 – 3 sessions)

Mandatory drug/alcohol evaluation within two weeks of receiving positive results

45 or 90 day random retest with levels (if positive to determine if levels of use are dropping)

30 day activity suspensions (including, but not limited to any Prom, senior trip, 8th grade dance, etc.) at the discretions of the Superintendent and/or designee

Removal from leadership position for the remainder of marking period

Student's toxicology results must be negative before returning to participate in any athletic practices/events, clubs, extra-curricular activities and/or parking privileges

Refusal or failure by a parent or a student to comply with the provisions of N.J.S.A. 18A:40A-12 shall be treated as a policy violation of the Compulsory Education Act and Child Neglect Laws



Police involvement

b. Second Offense:

Minimum, but not limited to 10 days out of school suspension as per Board of Education Policy, while obtaining medical clearance to return to school pending toxicology results from Board approved physician or personal physician within 24 hours of referral

Administrative conference with Principal, student, parent, and SAC

Mandatory counseling with SAC (minimum 3-5 sessions)

Mandatory drug/alcohol evaluation within two weeks of receiving positive results

Compliance with all treatment recommendations

Random retest with levels for the remainder of that current school year

90 day activity suspension (including, but not limited to any Prom, senior trip, 8th grade dance, etc.) at the discretion of the Superintendent and/or designee

Permanent removal from leadership positions for the remainder of the school year

Student's toxicology results must be negative before returning to participate in any athletic practices/events, clubs, extra-curricular activities and/or parking privileges

Revocation of parking privilege

Police involvement

Possible Board expulsion hearing



- c. Subsequent offenses:
 - Same as above
 - Possible Board expulsion hearing
 - Recommendation for mandatory placement at an alternative educational setting pending court disposition
- 2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the student does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:
 - a. First offense:
 - 10 day out of school suspension while obtaining medical clearance to return to school pending toxicology results from Board approve physician or personal physician within 24 hours of referral
 - Administrative conference with Principal, student, parent, and SAC
 - Mandatory counseling with SAC (minimum 2-3 sessions)
 - Mandatory drug/alcohol evaluation within two weeks of receiving positive results
 - 45 to 90 day random retest with levels (if positive to determine if levels or use are dropping)
 - 30 day activity suspension (including, but not limited to any Prom, senior trip, 8th grade dance, etc.) at the discretion of the Superintendent and/or designee
 - Removal from leadership position for the remainder of marking period



Student's toxicology results must be negative before returning to participate in any athletic practices/events, clubs, extra-curricular activities and/or parking privileges

Refusal or failure by a parent or a student to comply with the provisions of N.J.S.A. 19A:40A-12 shall be treated as a policy violation of the Compulsory Education Act and Child Neglect Laws

Possible police involvement

b. Second offense:

Minimum, but not limited to 10 days out of school suspension while obtaining medical clearance to return to school pending toxicology results from Board approved physician or personal physician within 24 hours of referral

Administrative conference with Principal, student, parent, and SAC

Mandatory counseling with SAC (minimum 3-5 sessions)

Mandatory drug/alcohol evaluation within two weeks of receiving positive results

Compliance with all treatment recommendations

Random retest with levels for the remainder of that current school year

90 day activity suspension (including, but not limited to any Prom, senior trip, 8th grade dance, etc.) at the discretion of the Superintendent and/or designee

Permanent removal from leadership positions for the remainder of the school year



Student's toxicology results must be negative before returning to participate in any athletic practices/events, clubs, extra-curricular activities and/or parking privileges

Revocation of parking privilege

Possible police involvement

C. Intervention, Referral for Evaluation, and Referral for Treatment Services

1. The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.
 - a. The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non-instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
 - b. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:
 - (1) Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;
 - (2) Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private



practitioners authorized by the appropriate drug and alcohol licensing board;

- (3) Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
- (4) A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.

D. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

- a4. Whenever a teaching staff member, certified or non-certified school nurse, or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the that person shall report the matter as soon as possible to the Principal (or, in the Principal's absence, to a person designated by the Principal and either the certified or non-certified school nurse the school physician, or the student assistance coordinator.
- b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent.
 - (1) If the physician chosen by the parent is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.
 - (2) The student shall be examined as soon as



possible for the purpose of determining whether the student has been using anabolic steroids.

- c5. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected of to have used or to be using anabolic steroids.
 - (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
- d. The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination
- e. If it is determined ~~that~~ the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following educational services certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
 - (1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse
- f. If results of a referral for evaluation positively determined the student's involvement with and use of anabolic steroids



represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by the appropriate drug and alcohol licensing board.

2. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)
 - a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds shall report the matter as soon as possible to the Principal or, in his or her absence, to his or her designee and either the certified school nurse, non-certified school nurse, school physician, or student assistance coordinator, pursuant to N.J.S.A. 18A:40A-12.
 - (1) In instances where the Principal and either the certified school nurse, non-certified school nurse, school physician or the student assistance coordinator are not in attendance, the staff member responsible for the school function shall be immediately notified.
 - (2) The referring staff member shall file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Electronic the Violence, and Vandalism Reporting System (EVVRS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
 - b. In response to every report by an educational staff member or other professional of suspected student alcohol or other



drug use, including instances when a report is made to law enforcement, the Principal or designee shall:

- (1) Immediately notify the student's parent and the Superintendent or designee
 - (2) Arrange for an immediate medical examination of the student for the purposes of providing appropriate health care and for determining whether the student is under the influence of alcohol or other drugs, other than anabolic steroids; and
 - (3) Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.
- (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
- D The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent.
- (1) The parent will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination



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must be conducted, and any other requirements of the examination.

- (2) The examination shall be at the expense of the parent and not the district Board of Education.
- e. If the physician chosen by the s not immediately available, the medical examination shall be conducted by the school physician.
- (1) If the school physician is not available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.
 - (2) The student's parent, if available, shall also accompany the student
 - (3) When the medical examination is conducted by a the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education
- f. The Board of Education will have a plan in place for the appropriate supervision of the student:
- (1) While waiting for a parent to take the student to the physician selected by the parent, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and
 - (2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.
- g. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent of Schools by the examining physician



within twenty-four hours of the referral of the student for suspected alcohol or other drug use.

- (1) The school district, in cooperation with the school physician or medical professionals licensed to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.
 - (2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
- h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that a medical examination was performed in compliance with this Policy.
- (1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.
 - (2) Refusal or failure by a parent to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).
- i. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from



the examining physician, unless the student was also removed for violating the Code of Student Conduct.

- j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.
- k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
 - (1) The student will be returned as soon as possible to the care of the parent;
 - (2) Attendance at school shall not resume until a written report has been submitted to the parent the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.
 - (a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.
 - (3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.
- l. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school



counselor, school social worker, or student personnel services and is trained to assess alcohol and other drug abuse shall:

- (1): Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parents and consultation with experts in student alcohol or other drug abuse, for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extend beyond the general school program by virtue of the student's use of alcohol or other drugs.
 - (a) The findings of the assessment alone shall not prevent a student from attending school; and
 - (2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral, and continuity of care for alcohol or other drug abuse treatment.
- m. While the student is at home because of the medical examination or after his or her returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
- (1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.
- n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State



Board of Examiners or an individual who holds one of the following Educational Services Certificate endorsements: school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools
2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.
 - a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
 - b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.
 - c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
 - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
 - (2) The identity of the student believed to have been in possession of the substance or paraphernalia.



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- d. The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.

- (1) For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall not constitute a voluntary, self-initiated request for counseling and treatment.

F. Reporting Students to Law Enforcement Agencies

- 1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.
- 2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
- 3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.
- 4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or



other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.
6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

G. Parent Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parents of students enrolled in the district. The program will be offered and places convenient to parents and on school premises or in other suitable facilities



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2. The program shall, at a minimum, provide
 - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, with recommendations as to the ways in which the parent may enhance, reinforce, and supplement that program;
 - b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
 - c. Instruction to assist the parent in on the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;
 - d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abusers; and
 - e. A review of the Board Policy and Regulations on substance abuse with attention to the role of parents.
3. The Board will establish an outreach program to provide substance abuse education for the parents of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parents of the district on school premises, or at other suitable facilities.
 - a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parents who believe that their child may be involved in substance abuse.

H. Records and Confidentiality of Records

1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330



2. Information concerning student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2
3. If student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using a substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2 that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
 - a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student
 - b. Pursuant to a court order;
 - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
 - d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.

Any disclosure made pursuant to H.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written



statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by (N.J.S.A. 18A:40A-7.1 et seq.) and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy or Regulation prevents the ~~Division of~~ DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing a violation of any Federal law.

The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

4. Each incident of substance abuse shall be reported to the Commissioner on the Electronic Violence and Vandalism Reporting System (EVVRS)

Issued: 18 August 2010
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The Board of Education recognizes a teaching staff member who reports to work under the influence of drugs or alcohol poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

For the purposes of this Policy, "substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities. Refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result.



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In the event a teaching staff member's medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the teaching staff member.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any teaching staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a teaching staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the teaching staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a teaching staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

42 CFR Part 2

N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: 18 August 2010

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R 3218 SUBSTANCE ABUSE (M)

M

A. Definition

1. "Principal or designee" means the teaching staff member's Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member's supervisor or a staff member designated by the teaching staff member's supervisor to be responsible at the time of the alleged violation.
2. "Substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
3. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.
4. "Under the influence" means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.

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

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



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- a. The Principal or designee, upon receiving a report or information a teaching staff member may be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities will:
 - (1) Immediately notify the Superintendent of Schools;
 - (2) Immediately meet with the teaching staff member;
 - (a) The Principal or designee may include another staff member in this meeting; and
 - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
- b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.
- c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
- d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination to include a substance test.
- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
- f. The teaching staff member, prior to the medical examination and substance test, will be informed by the



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physician or the physician's designee on the type of testing to be completed and the substances that will be tested.

- g. The teaching staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.
 - h. A teaching staff member's refusal to be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test for substances.
- 2. The medical examination and substance test shall be used by the physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.
- 3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available.
- 4. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.
- 5. If the physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will:



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- a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the physician's determination.
- b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.
 - (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.
 - (2) The confirming substance test results must be provided to the physician within the time period required by the physician.
 - (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have a confirming substance test considered by the physician.
- c. After completing the requirements in a. and b. above the physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.
 - (1) If the physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent and the teaching staff



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member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.

- (2) If the physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the physician will report these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.

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

1. Any teaching staff member who has been determined by the physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the teaching staff member an opportunity to respond to the physician's determination.
3. A teaching staff member who has been determined to have been under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member.

N.J.S.A. 2C:33-15 et seq.

N.J.S.A. 24:21-2 et seq.

42 C.F.R. II



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34 CFR 85.600 et seq.
20 U.S.C.A. 1145g, 3224a
41 U.S.C.A. 701 et seq.

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4218 SUBSTANCE ABUSE (M)

M

The Board of Education recognizes a support staff member who reports to work under the influence of drugs or alcohol poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any support staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. A support staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours.

For the purposes of this Policy, “substance” or “substances” means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

Any support staff member who reports to work under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination or the filing of tenure charges for a tenured support staff member in accordance with law.

A support staff member shall be required to submit to an immediate medical examination to include a substance test if the support staff member’s supervisor has reasonable suspicion to believe a support staff member is under the influence of a substance during work hours. Refusal of a support staff member to consent to the medical examination and substance test will be determined to be a positive result.

In the event a support staff member’s medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test and results will not be maintained by the



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school district. Any required examination and testing shall be paid for by the Board. The support staff member will be afforded the opportunity to have any test results confirmed using acceptable test confirmation practices. This confirming test shall be paid for by the support staff member.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any support staff member who, in the course of their employment, has reason to believe a school staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member responsible at the time of the alleged violation. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a support staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the support staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a support staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

42 CFR Part 2
N.J.A.C. 6A:16-6.3; 6A:32-6.3

Adopted: 18 August 2010
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R 4218 SUBSTANCE ABUSE (M)

A. Definition

1. "Substance" or "substances" means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as defined in N.J.S.A. 2C:35-10.4, and over-the-counter and prescription medications that are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.
2. "Substance test" means a test conducted by a State-licensed clinical laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument's manufacturer.
3. "Support staff member's supervisor" or "supervisor" means the building or district administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member's supervisor shall be the support staff member's Principal, School Business Administrator/Board Secretary, district Director or Supervisor, or any other administrative staff member designated by the Superintendent.
4. "Under the influence" means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.

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

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours.



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- a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours will:
 - (1) Immediately notify the Superintendent of Schools;
 - (2) Immediately meet with the support staff member;
 - (a) The support staff member's supervisor may include another staff member in this meeting; and
 - (b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
- b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.
- c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.
- d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination to include a substance test.
- e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.
- f. The support staff member, prior to the medical examination and substance test, will be informed by the physician or the



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physician's designee on the type of testing to be completed and the substances that will be tested.

- g. The support staff member may, prior to being examined and tested, disclose to the physician any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.
 - h. A support staff member's refusal to be examined or tested in accordance with the provisions of Policy 4218 and this Regulation will be deemed as a positive test for substances.
- 2. The medical examination and substance test shall be used by the physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a confirming test using acceptable confirmation test procedures.
- 3. The physician shall receive the results of the substance test within twenty-four hours of the test being administered. If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the support staff member as soon as the test results are available.
- 4. If the physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours, the physician will notify the Superintendent of such results and the support staff member shall return to their position in the school district. Any records or documentation related to the incident shall not be included in the support staff member's personnel file.
- 5. If the physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours, the physician will:
 - a. Discuss the results of the examination and substance test with the support staff member and provide the support staff



member an opportunity to present any medical or other reasons for the physician's determination.

- b. Provide the support staff member an opportunity to have the substance test results confirmed by a State-licensed clinical laboratory selected by the staff member and approved by the physician.
 - (1) The physician will schedule and coordinate the confirming test procedures, including the acceptable time period for the confirming test to be conducted based on the existing test results, and the time in which a confirming test result would be valid.
 - (2) The confirming substance test results must be provided to the physician within the time period required by the physician.
 - (3) Any confirming test results provided to the physician not within the time period required by the physician shall not be accepted and the support staff member shall be determined to have waived their right to a have a confirming substance test considered by the physician.
- c. After completing the requirements in a. and b. above the physician shall make a final determination whether the support staff member was under the influence of a substance during the work hours.
 - (1) If the physician makes a final determination the support staff member was not under the influence during work hours, the physician will report these results to the Superintendent and the support staff member shall return to their position in the school district and any records or documentation related to the incident shall not be included in the support staff member's personnel file.
 - (2) If the physician makes a final determination the support staff member was under the influence during work hours, the physician will report these



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results to the Superintendent of Schools and the support staff member will be required to meet with the Superintendent.

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

1. Any support staff member who has been determined by the physician to be under the influence of a substance during work hours shall be required to meet with the Superintendent.
 - a. The support staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the support staff member an opportunity to respond to the physician's determination.
3. A support staff member who has been determined to have been under the influence of a substance during work hours will be subject to appropriate discipline which may include termination of or the filing of tenure charges for a tenured support staff member.

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