

# REGULATION

## Upper Freehold Regional School District

Section: Pupils

5530. SUBSTANCE ABUSE

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### 5530. SUBSTANCE ABUSE

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The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

#### A. Definitions

1. "Evaluation" means those procedures used by a certified or licensed professional to make a positive determination of a pupil's need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the pupil or the pupil's family.
2. "Intervention" means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.
3. "Involved with substances" means that the pupil is influenced by the use of substances by the pupil or a member of his or her family, whether or not on school premises or during the school day. A suspicion or determination that a pupil is involved with substances does not depend on a finding that the pupil is immediately under the influence of a substance or possesses or distributes a substance on school premises.
4. "Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a pupil. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the pupil, as well as the natural or adoptive parent(s) of the pupil, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
5. "Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, any chemical or chemical compound that 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. 2A:170-25.9 or over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

6. "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.
7. "Under the influence" of substances means that the pupil 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

Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the pupil who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Pupils who violate the substance abuse rules will be disciplined as specified below, subject to NJAC 6A:16-7.5.

Refusal or failure to comply with policy and procedures will be considered a violation of the Substance Abuse Policy and be treated as a positive result with the same discipline and supportive actions and possible referral to DCP&P (Division of Child Protection and Permanency). Any action, by any person, intended to alter the results of any test specimen will be treated as positive and considered a violation of the policy, and disciplinary and supportive actions will be invoked.

A parent(s) or legal guardian(s) whose refusal to comply with N.J.S.A. 18A:40A-12 frustrates the operation of these regulations shall be deemed to have violated the compulsory attendance statute, N.J.S.A. 18A:38-25 and 18A:38-31, and/or the child abuse and neglect statutes, N.J.S.A. 9:6-1 et seq., and may be subject to prosecution.

1. Under the influence of alcohol, drugs, steroids, or substance identified in N.J.A.C. 6:29-6.3; or in possession of alcohol, drugs, steroids or substance identified in N.J.A.C. 6:29-6.3(a); or in possession of such a substance; or in possession of drug paraphernalia as identified in N.J.A.C. 6:29-6.3(a).
2. The school Administration reserves the right to use the Breathalyzer if a student is suspected of being under the influence of alcohol.

Any student who tests positive for a controlled substance or is in possession of a substance or paraphernalia will be:

### First Offense

- Student will be assigned to 2 days of OSS and 5 days of ISS.
- Suspended from participation on a team/club activity/student organization/parking and grade related privileges for 30 days.
- Referred to the Intervention and Referral Services Committee.
- If a student has enrolled in/completed a treatment program and a negative drug test

result is obtained, student may reduce the suspension from the above to 20 days for first offense only.

- Five screening sessions with the SAC, which must occur during OSS/ISS.

### Second Offense

- Student will be assigned to 4 days of OSS and 3 days of ISS.
- Suspension from participation on a team/club activity/student organization/parking and grade related privileges for 45 days.
- Referral to Child Study Team.
- Ten screening sessions with the SAC which must occur during OSS/ISS.
- Meeting with the Superintendent.

### Third Offense

- Student will be assigned to 10 days of OSS and mandatory Board of Education Hearing. Homebound instruction will begin on the fifth day of OSS.
- Removal from participation on a team/club activity/student organization/parking and grade related privileges for 365 days.
- Ten screening sessions with the SAC which must occur during OSS/ISS, if the student remains with the Upper Freehold Regional School District.

Note:

Police will be notified for possession of a controlled substance and for drug paraphernalia for every offense.

Police may be notified if a student is suspected of being under the influence of a controlled substance.

Once a student has tested positive for any controlled substance, random substances screenings will be imposed for one year from date of incident with parental consent.

### Random Screenings

#### Positive Result – First Offense

- An additional 5 days of counseling sessions with the SAC will be required.
- Suspension from participation on a team/club activity/student organization/parking and grade related privileges for 45 days.

#### Positive Result – Second Offense

- Mandatory ten counseling sessions
- 60-day suspension from participation on a team/club activity/student organization/

parking and grade related privileges.

3. Distribution, transferring or selling controlled dangerous substances or possession of amount large enough to indicate possible intent to distribute, transfer or sell.

Each Offense

Parents/legal guardians informed.

Minimum 10-day out-of-school suspension pending a disciplinary hearing before the Board of Education. Homebound instruction will begin on the fifth day of OSS.

Police informed.

4. Conviction for violation of the drug abuse law committed off school property.  
The school will take whatever action it believes is necessary to protect the rights and well-being of the student body.
5. A pupil convicted of drug use, possession, and/or distribution may be admitted to school on the recommendation of the Child Study Team.
6. A pupil who has been removed from school for his or her involvement with drugs, other than a pupil who has been expelled from school, shall be placed on home instruction.

C. Identification and Remediation of Pupils Involved with Substances.

1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.
2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Student Assistance Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal or her designee should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.
3. When a pupil involved with substances has discussed his or her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his or her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his or her own, the staff member may report the pupil to the Principal or her designee, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency

for evaluation and possible treatment.

D. Reporting and Examination of Pupils Under the Influence of Anabolic Steroids

1. Any staff member who has reason to believe that a pupil has used or may be using anabolic steroids shall report the matter as soon as possible to the School Nurse or the school medical inspector or a Student Assistance Coordinator and to the Principal (or, in the Principal's absence, to a person designated by the Principal.)
2. The Principal or her designee shall immediately notify the pupil's parent(s) or legal guardian(s).
3. The Principal shall arrange for the immediate examination of the pupil by a doctor selected by the parent(s) or legal guardian(s) or by the school medical inspector. An examination conducted, at parent request; by a physician other than the school medical inspector shall not be at district expense.
4. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not he or she has been using anabolic steroids.
5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s).
6. If it is determined that the pupil has been using anabolic steroids, the pupil shall be evaluated by a Student Assistance Coordinator or other appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with steroids and the possible need for treatment. Following the required screening sessions with the SAC, which must occur during ISS/OSS, a student who has a positive test for use of drugs, steroids or alcohol must have a minimum of five counseling sessions with the SAC.
7. If it is determined that the pupil's use of steroids represents a danger to the pupil's health and well-being, the evaluating staff member shall refer the pupil to an appropriate treatment program approved by the Commissioner of Health.

E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other than Anabolic Steroids

1. Any staff member to whom it appears that a pupil may be under the influence of a substance other than anabolic steroids on school property or at a school function shall report the matter as soon as possible to the School Nurse or the school medical inspector and the Principal (or, in the Principal's absence, to a person designated by the Principal). If neither the School Nurse nor school medical inspector is available, the staff member responsible for the function shall be notified.
2. The Principal or her designee shall immediately notify the pupil's parent(s) or legal guardian(s).
3. The Principal shall arrange for the immediate examination of the pupil by a doctor

selected by the parent(s) or legal guardian(s) or, if the parent(s) or legal guardian(s) doctor is not immediately available, by the school physician. If neither the parent(s) or legal guardian(s) doctor nor the school physician is immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examination. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s) if possible and by a member of the school staff appointed by the Principal. An examination conducted, at parental request, by a physician other than the school physician shall not be at district expense.

4. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not he or she is under the influence of a substance other than anabolic steroids.
5. A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), and the Principal.
6. If the written report of the examination is not so submitted within twenty-four hours, the pupil, with documentation that an exam was completed, shall be allowed to return to school until a diagnosis is received.
7. A pupil found to be under the influence of a substance shall be returned to his or her home as soon as possible. The pupil shall not be readmitted to school until a written report, signed by an examining physician and certifying that the pupil is physically and mentally able to perform in school, has been submitted to the parent(s) or legal guardian(s), and the Principal.
8. If it is determined that the pupil has used anabolic steroids, the pupil shall be evaluated by a Student Assistance Coordinator or other appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with steroids and the possible need for treatment. Following the required screen sessions with the SAC, which must occur during ISS/OSS, a student who has a positive test for use of drugs, steroids, or alcohol must have a minimum of five counseling sessions with the SAC.
9. Additional evaluations may be required of a pupil once found to have been under the influence of a substance, in order to determine the extent of the pupil's substance use and its effect on his or her school performance.

#### F. Presence of Substances on School Premises

1. A pupil's person, effects, or school storage places may be searched for substances in accordance with Policy No. 5770.
2. The Principal or other school officer conducting the search shall confiscate as evidence any substance found in the pupil's possession.
  - a. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with Policy No. 9322 and implementing regulations.

- b. Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the suspicious substance. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance.

G. When a student verbally confirms to a staff member that he or she is under the influence, the student will be required to follow all disciplinary and supportive actions noted above and must be required to undergo a medical examination with urine screen.

#### H. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district.
2. The parents' outreach program will include:
  - 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 via the Parent Academy and PAC;
  - b. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
  - c. Information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse;
  - d. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
  - e. Information on the state and local organizations available to assist in the prevention of substance abuse and the early intervention, treatment and rehabilitation of substance abusers; and
  - f. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.
3. For students who are suspended due to a drug offense, parents will be requested to attend sessions offered within the Parent Academy or a like program.

#### I. Records

1. Notations concerning a pupil's involvement with substances may be entered on his or her records, subject to Policy No. 8330 regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.
2. Information regarding a pupil's involvement in a school intervention or treatment

program shall be kept strictly confidential in accordance with §408 of the Drug Abuse Prevention, Treatment and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.

3. If a pupil involved in a school intervention or treatment program provides information during the course of a counseling session in that program which indicates that the pupil's parent(s) or legal guardian(s) or other person residing in the pupil'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 under the circumstances expressly authorized as follows:

- a. Subject to the pupil's written consent, to another person or entity whom the pupil specifies in writing;
  - 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 pupil 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 or to a law enforcement agency, if the information would cause a person to reasonably suspect that the secondary pupil or another child may be an abused or neglected child.
- Any disclosure made pursuant to 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 pupil's written consent. The disclosure must be accompanied by a written statement from the Principal advising the recipient that the information is being disclosed from records, the confidentiality of which is protected by P.L. 1997,362 (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 prevents the Division of Child Protection and Permanency or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this policy shall be construed as authorizing a violation of any federal law.

The prohibition on the disclosure of information provided by a pupil 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 pupil 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 Violence, Vandalism and Substance Abuse Incident Report form.

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