

# POLICY

## BOARD OF EDUCATION ROSELAND

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### 5530. SUBSTANCE ABUSE (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 and 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:16-4.1et seq.

The definitions as outlined in N.J.S.A. 18A:40A 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 alcohol or other drugs a substance, on or off will be subject to discipline in accordance with the district's Code of Student Conduct. Discipline will be graded to the severity of the offenses, the nature of the problems and the pupil's needs. Discipline may include suspension or expulsion. The Board may establish consequences for a student not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

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### 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 ~~pupil~~ student may be under the influence of alcohol or other drugs as identified in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:6.4(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(s) of the student, the Building 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,
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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 parent(s) as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent, Principal, and Superintendent from the 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 pupil 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 shall have reason to believe a student has used or may be using anabolic steroids, that person shall report the matter in accordance with N.J.A.C. 6A:16-4.3(b)1.
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Act, pursuant to N.J.S.A. 18A:38-25 and 31, and the 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:40-12 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

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 No. 8330 regarding

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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 involved in a school-based drug or alcohol counseling program provides information during the course of a counseling session in that program which indicates that the student's parent(s) 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.

### Nonpublic School Students

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

The Board has the power and duty to loan to students attending nonpublic schools located in this district and to the parent(s) 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 civil 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.,

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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 school staff member 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 Pupils 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 a current 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 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

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

The Board will annually review the effectiveness of Policy and Regulation 5530 on student alcohol and drug abuse. The Board may solicit parent(s) 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:16-4.1 et seq; 6A16-4.1 et seq.; 6A:16-6.1 et seq.

Adopted: August 17, 1994

Revised and first reading: May 28, 2009

Second reading: June 25, 2009

Adopted: June 25, 2009

Revised: December 8, 2016

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