

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

The Rutherford Board of Education recognizes its responsibility to provide a quality learning environment where the health and welfare of staff and students are safeguarded. One condition which jeopardizes such an environment is the use of drugs and alcohol and problems related to their use. In setting policy regarding drugs and alcohol, the Board of Education seeks to fulfill its responsibility to the school district and the community and to comply with applicable New Jersey statutes and school law covering the various aspects of the problem.

The Board of Education, after consulting with state, county and local agencies and officials and relying upon state and federal laws which define the parameters for such policies, has developed the following policy regarding students substance abuse.

It is the policy of the Rutherford Board of Education to forbid the use, possession and distribution of drugs, alcohol, tobacco, and anabolic steroids, by students on school property, at school sponsored activities and while traveling to and/or from school and other school activities.

For purposes of this policy, "drugs" shall mean:

- A. All dangerous controlled substances, as defined by N.J.S.A. 24:21-2, anabolic steroids and 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;
- B. Any prescription drug, except those for which permission for use in school has been granted pursuant to board policy;
- C. Any alcoholic beverage.

I. Pupils Suspected of Being Under the Influence of Alcohol or Other Drugs, Except Anabolic Steroids

When a pupil is suspected of being under the influence of alcohol or other drugs except anabolic steroids on school property or at any school sponsored function held off school property, the first responsibility of all school authorities is to secure appropriate medical attention as prescribed in N.J.S.A. 18A:40-4.

A. Immediate Action

- 1. All standard health and first aid procedures will be followed. The student shall not be left alone. The school nurse shall be summoned immediately and the principal or, in his/her absence, his/her designee shall be notified. If neither the principal nor his/her designee is available, then the teaching staff member in charge of the function shall be notified.
- 2. In compliance with N.J.S.A. 40A-12 the principal or his/her designee shall notify the parent or guardian and the superintendent of schools and arrange

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

for an immediate examination within two (2) hours of the student being released to the parent/guardian of the pupil by a doctor selected by the parent or guardian.

3. If the school authorities are unable to contact the parent or guardian or if the doctor selected is not immediately available, the school medical inspector or designee shall be immediately called upon to perform the examination.
4. If such doctor or medical inspector is not immediately available or if the situation becomes life threatening, then the pupil shall be immediately taken to the emergency room of the nearest hospital by ambulance or police for examination and/or treatment accompanied by a member of the school staff designated by the principal, and a parent or guardian of the pupil, if available. If the parent or guardian is not available, the member of the school staff shall remain at the hospital until the parent or guardian arrives. If parent/guardian is not available within a reasonable amount of time, DYFS will be called, and assume responsibility. If the student has become combative or is resistant to emergency treatment, then the police may be summoned to assist.
5. The aforementioned procedures are to ensure that the pupil be examined as soon as possible for the purpose of diagnosing whether or not the pupil is under the influence of drugs or alcohol.
6. Payment of expenses resulting from such a medical examination by the doctor and/or hospital selected by the parents will be the obligation of the parent or guardian and not the school district.
7. A chemical screening report form shall be issued by the examining physician. The written report of said examination shall be provided within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools. If the written report of the medical examination is not submitted to the parent or guardian and the chief school administrator within 24 hours, the pupil shall be allowed to return to the school until such time as a positive diagnosis of alcohol or other drug is received.
8. If the student has been positively diagnosed as being under the influence of drugs or alcohol, or if there is an admission of use, or there is a refusal to submit to the chemical screening, then he/she shall be returned to his/her home as soon as possible and the appropriate data shall be furnished to the Department of Health pursuant to the Controlled Dangerous Substances Act of 1970. N.J.S.A. 26:2G-17 et seq. A Violence, Vandalism and Substance Abuse Incident Report shall also be completed.
9. In accordance with N.J.A.C. 6:29-6.5(a)8, refusal or failure by a parent to

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

comply with the provisions of N.J.S.A. 18A:40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws. The Board of Education will institute the appropriate procedures to enforce the compulsory education and child neglect laws.

B. Pupils Suspected of Using Anabolic Steroids

Whenever a teaching staff member, school nurse or other educational personnel suspects a pupil is using or has used anabolic steroids, the school authorities shall comply with the following procedures:

1. The teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, or to a substance awareness coordinator, and to the principal or, in his absence, to his designee.
2. The principal or his/her designee, shall immediately notify the parent or guardian and the superintendent of schools.
3. The principal or his/her designee shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.
4. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the pupil and to the superintendent of schools.
5. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by the substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment.
6. In order to make such a determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parents. The coordinator or teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.
7. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

C. Investigation and Disposition of Substances

1. If alcohol or other drug use is indicated, including anabolic steroids, then the principal or his/her designee shall be responsible for all necessary investigation consistent with law and the procedures set forth in the drug free school zone policy, File Code #5530.1.
2. If the investigation is thwarted, or off school property, the police may be summoned as deemed necessary by the principal or his/her designee to assist in obtaining and identifying substances to facilitate proper medical attention.
3. All substances discovered at the emergency scene or subsequently uncovered shall be turned over by the school principal or his/her designee to medical personnel for identification and aid in the treatment of the emergency and shall be secured in the event the police are summoned to investigate, as per the procedures set forth in policy #5530.1.
4. The principal shall meet with the student's parent or guardian to discuss the result of his/her investigation.

D. Administrative Disciplinary Procedures

1. Students who have been positively diagnosed as being under the influence of alcohol or other drugs, including anabolic steroids, shall be subject to disciplinary action. Discipline will be graded according to the severity of the offense.
2. Following an informal hearing at which the factual basis for the incident is reviewed with the student, the student will be suspended for no less than five (5) days.
3. Subsequent incidents where positive identification of drug or alcohol use have been made shall result in suspension of no less than eight (8) days.
4. If a suspension of greater than ten (10) days is contemplated, then a board level hearing shall be held consistent with law. Students with repetitive violations of the school policies regarding drugs and alcohol may be referred to the child study team prior to any recommendation of expulsion to the Board of Education.
5. Notification of a suspension shall be made to the Substance Abuse Coordinator. An appointment must be made with the guidance counselor or his/her designee before resuming classes.

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

6. In the event a classified pupil is involved the child study team shall be consulted and the procedures set forth in N.J.A.C. 6A:14-2.8 et seq. shall be followed prior to imposing the discipline in this regulation.

E. Evaluation Services For Pupils Who Are Affected by Alcohol or Drug Use

1. Students who are affected by alcohol or other drug use, or who have been suspended for alcohol or other drug use shall have an evaluation made of their overall academic and social performance. This evaluation will be coordinated by the Substance Abuse Coordinator. The process will include, but it is not limited to, the use of a student behavior checklist.
2. The result of this evaluation may require a further evaluation by the child study team, appropriate teaching staff members, the medical inspector, and/or an assessment shall be made by a person certified by the New Jersey State Board of Examiners and trained in alcoholism or substance abuse to determine the extent of the student's drug or alcohol use, and to determine a pupil's eligibility and need for special education services, a correctional program, additional medical evaluation, referral to a substance abuse assessment agency and/or treatment program and continued monitoring by the school staff for substance use. Parental consent for such an evaluation shall be obtained.
3. A conference shall be held with the parent or guardian after the evaluation has been completed.
4. The Board of Education is not responsible for the cost of any evaluation or treatment provided by any outside agency and/or organization unless otherwise required by law.

F. Intervention and Treatment Services for Pupils Who Are Affected by Alcohol or Drug Use

1. Program of instruction, counseling and related services by the Board of Education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependence problem.
2. Referral to community agencies for medical or therapeutic care.
3. Referral and support services to include self help groups and after care groups for pupils who are returning from care for drug and alcohol dependency.
4. Referral to individual and family counseling/therapy.
5. Referral to outpatient programs and self help groups.

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

6. The Board of Education is not responsible for the cost of any treatment provided by any outside agency and/or organization unless otherwise required by law.

II. Pupils who are found to be in possession of or distributing alcohol or other drugs, on school property, at any school sponsored activity or while traveling to and/or from school or other school activity.

A. Investigation and Disposition of Substances

1. If alcohol or other drug possession or distribution is suspected, then the principal or designee shall be responsible for all necessary investigation consistent with law and the procedures set forth in the Drug Free School Zone Policy, File Code #5530.1.
2. If drugs are suspected of being sold on school property at any school sponsored activity or while traveling to and/or from school or other school activity, then immediate action shall be taken to inform and work with police officials in apprehending the person(s) responsible consistent with the procedures set forth in policy #5530.1.
3. All actions by school and police personnel must protect the legal rights of the suspected individual(s). Due process rights shall be protected in every case and a student's right to be considered innocent shall not be hindered by school personnel.
4. It is the duty of the police, administrators and teachers to ensure that the rights of students are respected. If a student is questioned by the police, then it shall be the responsibility of the school administration to provide private space for interrogation. Every effort should be made by the principal or his/her designee to contact the student's parent or guardian. The principal or his/her designee and student's parent or guardian, if available, should be present at the interrogation. A student need not provide information beyond his/her name, age, address and the purpose of his/her presence at school until a parent and, if requested, an attorney are present. Students shall be informed of their legal right to remain silent. They shall also be protected by school officials from coercion and illegal constraint.

B. Administrative Disciplinary Procedures

1. Students who are found possessing or distributing drugs or alcohol in violation of this policy shall be subject to disciplinary action. Discipline will be graded according to the severity of the offense.
2. Following an informal hearing at which the factual basis for the underlying

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

incident is reviewed with the student, the student shall be suspended for no less than five (5) days for a first incident.

3. Subsequent incidents shall result in suspension of no less than eight (8) days.
4. If a suspension of greater than ten (10) days is contemplated, then a board level hearing shall be held consistent with law. Students with repetitive violations of the school policies regarding drugs and alcohol may be referred to the child study team prior to any recommendation of expulsion to the Board of Education.
5. Notification of a suspension shall be made to the Substance Abuse Coordinator. An appointment must be made with the guidance counselor or his/her designee before resuming classes.
6. In the event a classified pupil is involved, the child study team shall be consulted and the procedures set forth in N.J.A.C. 6A:14-2.8 et seq. shall be followed prior to imposing the discipline in this regulation.

C. Evaluation

The procedures dealing with evaluation of students found to be under the influence of drugs or alcohol shall apply.

D. Treatment

The procedures dealing with the treatment of students found to be under the influence of drugs or alcohol shall apply.

III. Pupils for whom there is a concern about behavior outside of school which may indicate alcohol or other drug use, including steroids, though there is no evidence of violation of law or school regulations.

It is the responsibility of every teaching staff member to maximize a student's performance in school. An atmosphere should be created so that students are able to develop trust among their teachers so that they can learn how to deal with human problems and values by discussing them openly. Every teaching staff member is obligated to assist students in dealing with possible drug and alcohol problems by advising students to inform their parents about such problems and to seek assistance from the appropriate individuals or agencies. Where, however, it appears that the problem is not being addressed, the following procedures should be implemented:

Procedure

1. Any expressed concerns regarding substance use/abuse should be referred to the

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

Substance Abuse Coordinator.

2. Upon receipt of a referral, the Substance Abuse Coordinator will distribute the student behavior checklist form to all appropriate personnel.
3. Upon receipt and review of the student checklist form, a determination will be made as to whether or not further investigation will be necessary.
4. When appropriate, the Substance Abuse Coordinator will arrange to meet with the parent. Discussion shall include, among other things, student behavior and performance.
5. Parents should be contacted in cases where further investigation supports the suspicion of drug or alcohol use. This parental discussion will center on the student's actual behavior as reported through the student behavior checklist.
6. Where necessary, the procedures dealing with the evaluation and treatment of students found to be under the influence of alcohol or drugs shall apply.

IV. Confidentiality

Confidentiality of students involved in treatment programs for alcohol or other drugs shall be protected in accordance with 42 C.F.R. Part 2(c) and (d). Records of students involved in treatment programs shall be disclosed only with the student's written consent, or in the case of a minor student, with the written consent of the student and parent or guardian, unless there is a medical emergency or the information is needed for research activities as set forth in 42 C.F.R. Part 2(d). Involvement with the drug and alcohol treatment program will not become part of the student's permanent record.

V. Instruction

The Rutherford Board of Education recognizes that alcohol and other drugs, including anabolic steroids and tobacco, are serious social problems and have far-reaching implications for the entire community. The Board accepts responsibility for instructing pupils about the nature of drugs, alcohol, tobacco and anabolic steroids, the effects drugs and alcohol have on the human system, and the short and long term effects of drug and alcohol abuse on the student and society. The superintendent of schools shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction in grades K-12. Instruction on drugs, alcohol, tobacco and anabolic steroids shall be integrated within the health education curriculum. Substance abuse educational programs for parents/guardians will be offered at times and places convenient to the parents on school premises or other facilities.

VI. Review of Policy

- A. Developing and implementing a drug and alcohol project requires an annual evaluation to determine if the selected curriculum, program and policy have had the

STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

desired effect of reducing student substance abuse. The Board shall solicit community input and consult with local agencies recommended by the State Department of Health to review the effectiveness of its drug and alcohol policy.

- B. The evaluation shall include an examination of cost/benefit issues needed to implement and maintain the policy and shall examine the total effect of policy, curriculum or program on the community as a whole. Community-wide indicators such as incidence and prevalence of substance abuse, related criminal activity, and institutional/society policy and change shall also be included in the annual evaluation.

VII. Availability of Drug and Alcohol Policies and Procedures

- A. This policy shall be distributed annually on the first day of school to every student in the school district.
- B. Parents of students in the Rutherford School District shall be required to acknowledge receipt of the district's substance abuse policy on an acknowledgement form attached to the policies distributed to each student.

Legal References:

<u>N.J.S.A. 2A:62A - 4</u>	Reports by educational personnel on dependency upon or illegal use of intoxicating vapor releasing chemicals
<u>N.J.S.A. 2A:170-25.9</u>	Definitions
<u>N.J.S.A. 2C:33-16</u>	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
<u>N.J.S.A. 18A:40A-1 et seq</u>	Education Program
<u>N.J.S.A. 18A:40A-8 et seq</u>	Prevention and treatment referral programs
<u>N.J.S.A. 24:21-2</u>	Definitions
<u>N.J.S.A. 26:3D-15 et seq</u>	Legislative findings and declarations
<u>N.J.A.C. 6:29.1 et seq</u>	Drugs and alcohol
42 <u>C.F.R.</u> Part 2	Confidentiality of alcohol and drug abuse patient records

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STUDENT USE AND/OR POSSESSION OF ILLICIT DRUGS AND/OR ALCOHOL

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