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R5530 SUBSTANCE ABUSE

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. "Drug paraphernalia" as defined in N.J.S.A. 2C:36-1 means equipment, products, and materials which are used or intended for use in producing, preparing, storing, distributing, consuming, or otherwise introducing into the human body any controlled dangerous substance, controlled substance analog, or toxic chemical in violation of the Comprehensive Drug Reform Act of 1987, N.J.S.A. 2C:35-1, et seq.

The term "drug paraphernalia" is expressly defined in this Regulation to exclude electronic smoking devices that do not contain and are not used to consume any controlled dangerous substance, analog, or toxic chemical other than nicotine. For guidance on student use of tobacco and nicotine products, including electronic cigarettes, Refer to Policy/Regulation 5533 (Student Smoking).

3. "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,



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provided such parental rights have not been terminated by a court of appropriate jurisdiction.

4. "Referral for evaluation" means 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



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structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.

7. "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.

The term "substance" is expressly defined in this Regulation to exclude tobacco and other nicotine products. For guidance on student use of tobacco and nicotine products, including electronic cigarettes, Refer to Policy/Regulation 5533 (Student Smoking).

8. "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.
9. "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.



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B. Discipline

1. Use, possession, and/or distribution of a substance or drug paraphernalia is a serious offense, for which students will be disciplined accordingly. Repeated violations of the Substance Abuse policy warrant stricter disciplinary consequences:

- a. First offense:

Student will be required to meet with the Student Assistance Coordinator on a regular basis. Possession of a substance and/or drug paraphernalia must be reported to the Paterson Police Department.

- b. Second offense:

In addition to the consequences for a first offense, the student will be required to undergo a substance abuse evaluation and to enroll in a treatment program before returning to school.

For all treatment programs, written documentation confirming attendance will be sent to the Student Assistance Coordinator.

If the parent(s)/guardian(s) and student do not follow through with the recommended treatment program, a referral will be made to the New Jersey Division of Child Protection and Permanency (DCPP). In accordance with N.J.A.C. 6A: 16-4.3, refusal or failure by a parent(s)/guardian(s) to 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)



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and/or child neglect laws (N.J.S.A. 9:6-1 et seq.).

c. Third offense:

In addition to the consequences for a first offense, the student will be required to undergo a second evaluation and to enroll in an inpatient or residential treatment program before returning to school.

If the parent(s)/guardian(s) do not follow through with the treatment program, a DCPD referral will be made. In accordance with N.J.A.C. 6A:16-4.3, refusal or failure by a parent(s)/guardian(s) to 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 laws (N.J.S.A. 9:6-1 et seq.).

d. Fourth and subsequent offenses, and failure to comply with treatment recommendations:

Students will be referred for a disciplinary hearing and could be permanently expelled from school if, after multiple interventions, they continue to violate the Substance Abuse policy, or do not comply with treatment recommendations, or fail to complete treatment program requirements.

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

The district will provide intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use.



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1. 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 pupil personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.
2. The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:
 - a. 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;
 - b. 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;
 - c. Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or
 - d. A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.



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D. Reporting, Notification, and Examination Procedures

1. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of substances prohibited by the Substance Abuse Policy 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.
 - a. 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.
 - b. 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 Student Safety Data System (SSDS) according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
2. In response to every report by an educational staff member or other professional of suspected substance use, including instances when a report is made to law enforcement, the Principal or designee shall:
 - a. Immediately notify the student's parent and the Superintendent or designee;
 - (1) The Superintendent or designee may disclose to law enforcement authorities the identity of the student suspected to be under the



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influence of influence of substances
prohibited by the Substance Abuse Policy.

- (2) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of illicit substances or drug paraphernalia or reasonably believed to be involved or implicated in illicit drug distribution activities.
- b. 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 substances prohibited by the Substance Abuse Policy. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the medical examination required pursuant to N.J.S.A. 18A:40A-1.
- c. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent. A written report of the medical examination of the student shall be furnished to the student's parent, the Principal, and the Superintendent by the examining physician within twenty-four hours. 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.
 - (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



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of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.

- (2) The examination shall be at the expense of the parent and not the Board of Education.
 - (3) If the physician chosen by the parent is not immediately available, the medical examination shall be conducted by the school physician.
 - (4) 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.
 - (5) The student's parent, if available, shall also accompany the student.
 - (6) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the Board of Education.
- d. 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 substance use that a medical examination was performed in compliance with this Policy.



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- (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).
3. If the written report of the medical examination is not submitted to the parent, Principal, and Superintendent within twenty-four hours of referral, the student shall be allowed to return to school until such time as a positive determination of substance use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.
 - a. If the written report of the medical examination verifies that the student's substance use does not pose a continuing interference with the student's physical and mental ability to perform in school, the student will be immediately returned to school.
 - b. If the medical examination indicates the student's substance 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



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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. 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.
- c. If it is determined the student has used illicit substances, 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 assistance 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 substances and the possible need for referral for treatment. 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.
- d. If results of a referral for evaluation positively determine the student's involvement with and use of substances represent a danger to the student's health and well-being, the school staff member(s)



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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.

4. The Board of Education will have a plan in place for the appropriate supervision of the student:
 - a. 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
 - b. Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.
- E. Handling of prohibited substances.
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



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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.
- 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 substance, or drug 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.

For the purposes of N.J.A.C. 6A:16-6.4, an admission by a student in response to questioning



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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.



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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 drug 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 substance abuse 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.



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- 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 at times and places convenient to parents and on school premises or in other suitable facilities.
 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 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 abuse; and
 - e. A review of the Board Policy and Regulation 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



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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.

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

4. 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.
5. 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, and N.J.A.C. 6A:16-3.2.
6. If a 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 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



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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 DCPD 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 this subsection 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 DCPD or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy



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or Regulation shall be construed as authorizing the 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.

7. Each incident of substance abuse shall be reported to the Commissioner on the SSDS.

Adopted: 17 June 2009
Revised: 11 September 2019


