

POLICY

BOARD OF EDUCATION MORRIS HILLS REGIONAL DISTRICT

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Substance Abuse

SUBSTANCE ABUSE

The Board of Education recognizes that a pupil's abuse of harmful substances seriously impedes that pupil'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 necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the Board will establish and maintain procedures for the diagnostic 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, in school or at school functions, consume or who are suspected of being under the influence of alcoholic beverages, any controlled dangerous substance, 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, 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 anabolic steroids..

Definitions N.J.S.A. 18A:40A-9, 10 and 11, N.J.S.A. 24:21-2 and N.J.S.A. 2A:170-25.9
N.J.A.C. 6A:16-1.3; 6A:16-4.1

For the purposes of this policy:

"Substance" means alcoholic beverages, controlled dangerous substances as defined at N.J.S.A. 24:21-2, anabolic steroids, or 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 prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.

"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.

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"Diagnostic Assessment/Evaluation" means those procedures used by credentialed substance abuse 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. The diagnostic assessment/evaluation is conducted by a credentialed professional consisting of a biopsychosocial interview of the student, parent or guardian, and may include questionnaires, and/or urine drug screen, and other information the clinician deems appropriate. A student may be subject to a blood test when the student is suspected of being under the influence of a drug or alcohol.

"Intervention" should be defined as follows: "Intervention" means those programs, services and actions taken to identify and offer help to a student at risk for learning, behavior or health difficulties because of the use of substances by the student or a member of the student's family.

"Referral for diagnostic assessment/evaluation" means those programs, and services offered to a student or his or her family in order to make a positive determination regarding a student's need for services which extend beyond the general school program.

"Involved with substances" means that a pupil has used, possessed, distributed or has been exposed to (through association with his/her peers or family) substances or paraphernalia, whether or not on school premises. Additionally, when the school is officially informed by law enforcement agencies that students were involved with substances, the school will contact the parents to offer support services, make appropriate recommendations, and inform them of the requirements of policy # 5530.

"Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where 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.

"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, or is determined through the use of blood, breath, or urine drug screens.

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“Paraphernalia” means any equipment, product and/or materials used in the manufacture, preparation, consumption or ingestion of substances, as described in NJSA 2C:36-1.

“Medical Screening” is a diagnostic substance screen that may include, but not be limited to, a chemical drug screen, urine, breath, blood, or saliva screening. “Medical examination” is an assessment by a licensed physician, of a student’s health history, health status, a physical examination, and may include, but not limited to, a medical assessment, evaluation, and medical screening.

“Immediate” for the purpose of medical examination shall mean as soon as possible following the initial report that a student may be under the influence of a substance, but in no event longer than two hours.

“Confidentiality” means information regarding a pupil’s involvement in a school intervention or treatment program for substance abuse, shall be kept strictly confidential in accordance with N.J.S.A. 18A:40A-7.1, N.J.A.C. 6A:16-3.2, 6.3-6.5 and 42 C.F.R. Part 2.

“Core Team” is an interdisciplinary committee, which will include certified faculty members that have been specifically trained to identify, evaluate and recommend strategies to help students who are at risk, affected by, or using substances. Core Team consists of personnel with duties that arise out of the provision of diagnosis, treatment, or referral for treatment of substance abuse.

“Treatment” means all procedures and programs recommended by the Student Assistance Counselor (SAC) and/or credentialed assessment and treatment professionals or providers.

A “substance abuse treatment program” should include, but not be limited to:

- a) A comprehensive biopsychosocial assessment.
- b) A multi-axil DSM IV TR diagnosis.
- c) A treatment plan based on American Society of Addiction Medicine (ASAM).
- d) Treatment plan should be based on a continuum of care. The treatment plan should be continually reviewed and updated based on a students progress.

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- e) Treatment program will offer individual, group and family components.
- f) Treatment center will sent SAC weekly progress reports.

“Continued monitoring of substance involvement” means that any student who has violated policy #5530 during the course of their high school career will be subject to unannounced urine, blood or breath analysis at the discretion of administration.

“Positive Drug/Alcohol Screen” is a urine, breath, or blood analysis that shows a positive reading for any illegal or non prescribed legal drug or alcohol content. An adulterated urine sample will also be considered a positive drug screen. A student or parent refusal to take a drug or alcohol test will be subject to the same consequences as if he/she had a positive drug/alcohol screen.

“Uniform Memorandum of Agreement” is an agreement between the Morris Hills Regional District, sending district police departments (Denville, Wharton Borough, Rockaway Borough, Rockaway Township), and the Morris County Prosecutors Office, which defines the protocol on the sharing of information related to students.

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 a substance on school premises, at any event away from the school premises that is sponsored by this Board, and on any transportation vehicle provided by this Board.

A pupil who uses, possesses, or distributes a substance, on or off school premises, will be subject to discipline. Discipline will be graded to the severity of the offense, the nature of the problem and the pupil's needs. Discipline may include suspension or expulsion. The Superintendent may establish consequences for a pupil not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The Superintendent and/or designee will notify the appropriate law enforcement agency pursuant to N.J.A.C.6A:16-6.3(a).

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

The Board shall provide a comprehensive program of instruction on the nature and effects of substances, anabolic steroids and tobacco. The program will be included in the health education curriculum and conducted in accordance with law, rules of the State Board of Education, and Policy No. 2422.

Identification, Evaluation, and Intervention

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, 6A:16-4.3(b)

All staff members shall be alert to signs of substance abuse by pupils and shall respond to those signs in accordance with administrative regulations. 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 Principal, school nurse or the school physician. The Principal or his/her designee shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.

The Principal must arrange for an immediate medical 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 and diagnosis or with the parent(s) or legal guardian(s) permission to a designated medical facility approved by the Board. The pupil may be accompanied by the pupil's parent(s) or legal guardian(s) if possible or will be accompanied by a member of the school staff appointed by the Principal. An examination conducted by a physician other than the school physician, a physician at the emergency room of the nearest hospital or at a designated medical facility approved by the Board shall not be at district expense. Treatment will not be at Board expense.

When a pupil's substance abuse or suspected substance abuse threatens the pupil's life or places the pupil and/or others in imminent peril, all procedures shall be expedited in accordance with the emergency. Policy No. 8441, Care of Injured and Ill Persons, may be implemented as appropriate, provided no component of the procedures implementing this policy is omitted.

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The Board will provide intervention and treatment referral services by teaching staff members who are properly and appropriately certified and trained to render such services.

Such services will include instruction, counseling, and related services to a pupil who is receiving medical or therapeutic care for diagnosed substance abuse; referral to a community agency approved by the County Local Advisory Council on Alcoholism or Drug Abuse or the State Department of Health; support services for pupils who are in care or returning from care for substance dependency; and/or a special class or course designed to meet the needs of pupils with problems of substance abuse.

A substance abuser who has also been identified as potentially disabled shall be evaluated by the Child Study Team to determine his/her eligibility for special education and/or related services.

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 pupils. The Board will provide time for the conduct of the program during the usual school schedule. In-service training shall prepare teachers to instruct pupils on substance abuse and inform teachers about the nature of substances, the symptomatic behavior associated with substance abuse, the availability of rehabilitation and treatment programs, the legal aspects of substance abuse, and Board policy and regulations on substance abuse.

Outreach to Parents N.J.S.A. 18A:40A-16; 18A:40A-17
N.J.A.C. 6A:16-4.1(c)7.

The Board will provide a program of outreach to parent(s) or legal guardian(s) of pupils that includes information on the district's substance abuse curriculum, the identification of substance abusers, and rehabilitation organizations and agencies. The Superintendent is directed to develop the program in consultation with local agencies recommended by the Commissioner and to offer the program at times and in places convenient to parent(s) or legal guardian(s) on school premises or in other suitable facilities.

Records §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C., and Implementing Regulations, 42 CFR Part 2

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Notations concerning a pupil's involvement with substances may be entered on his/her records, subject to 42 CFR Part 2, NJSA 18A:40A-7.1, NJAC:6A:16-1.5 and NJAC 6A:16-3.2 and 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. 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.

If a secondary 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 with; the pupil's written consent, to another person or entity whom the pupil specifies in writing; pursuant to a court order; 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 to the Division of Youth and Family Services 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.

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

The Board will lend to pupils attending nonpublic schools located in this district and to the parent(s) or legal guardian(s) of such pupils educational materials on substance abuse prepared and supplied by the Commissioner. The loan of such materials shall be at no cost to the district.

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 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.

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Any employee who in good faith reports a pupil to the Principal, the Principal's designee, the physician, or the School Nurse in an attempt to help such pupil cure his/her abuse of substances shall not be liable in civil damages as a result of making any such report.

Reporting Pupils to Law Enforcement Authorities 6A:16-6.3(a)

The Superintendent, or designee, will report pupils to law enforcement authorities if the staff member has reason to believe a pupil is unlawfully possessing or in any way is involved in the distribution of controlled dangerous substances, anabolic steroids, or drug paraphernalia, on or within 1,000 feet of the outermost boundary of school property pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report pupils who have voluntarily sought treatment or counseling for a substance abuse problem provided the pupil is not currently involved or implicated in a current drug distribution activity.

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

Policy Review and Accessibility

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

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

The Board will annually review the effectiveness of this policy in consultation with appropriate personnel.

This policy and its implementing regulations shall be made available annually, at the beginning of the school year, to all school employees, pupils, and parent(s) or legal guardian(s). Each newly hired employee and transferred pupil will be offered this policy and implementing regulations on his/her arrival in the district.

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.

Cross reference: Policy Guides Nos. 2422, 7436, 9322

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