

# Regulation

## BOARD OF EDUCATION MORRIS HILLS REGIONAL DISTRICT

### PUPILS

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Substance Abuse

### SUBSTANCE ABUSE

#### A. Definitions

1. "Diagnostic Assessment/ Evaluation" means those procedures used by a 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.
2. "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.
3. "Referral for diagnostic assessment/evaluation" means those programs, and services offered to a student or his/her family in order to make a determination regarding a student's need for services which extend beyond the general school program.
4. "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.
5. "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.

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6. "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.
7. "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.
8. "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.
9. "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.
10. "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.
11. "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.
12. "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.

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13. “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. Part2.
14. “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.
15. “Treatment” means all procedures and programs recommended by the Student Assistance Counselor (SAC) and/or credentialed assessment and treatment professionals or providers.
16. 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 student’s progress.
  - e) Treatment program will offer individual, group and family components.
  - f) Treatment center will send SAC weekly progress reports.
17. “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 breadth analysis at the discession of administration.
18. “Positive Drug/Alcohol Screen” is a urine, breadth, 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.

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

#### B. Identification and Remediation of Pupils Involved with Substances.

1. Annual in-service trainings will be provided for all staff members, so that they are aware of the signs of a pupil's involvement with substances.
2. A 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 Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team, or another professional staff member or trained resource person, as appropriate. The core team will then review the information and make appropriate recommendations.
3. Students referred to the core team through law enforcement or the memorandum of agreement will be subject to the policy and regulations of policy #5530.

#### C. Reporting and Examination of Pupils under the Influence of Anabolic Steroids

- 1 a. Whenever a staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or may be using anabolic steroids that person must report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the Principal and to the certified or non-certified school nurse or the school physician or to the Substance Awareness Coordinator.
- 1 b. Students identified through the memorandum of agreement, core team or other sources will be required to submit to a diagnostic assessment and comply with all recommendations. Failure to do so will result in disciplinary action as stated in F 1-4.

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- 1 c. Students identified through memorandum of agreement with distribution of anabolic steroids will be immediately suspended pending the outcome of a superintendent's hearing.
    - 1 d. Students identified through a core team referral or other sources will be recommended to submit to a drug/alcohol screen. A positive result will require a diagnostic assessment and compliance with all treatment recommendations of policy #5530.
2. The Principal or his/her designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
3. The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s). If the physician selected by the parent is not available to perform the examination, the examination will be conducted by the school physician /UMCC or emergency room or with the parent(s) or legal guardian(s) permission at a designated medical facility approved by the Board. An examination conducted, at parental request, by a physician other than the school physician or at a designated medical facility approved by the Board shall not be at district expense.
4. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids. This examination will include a urine collection and analysis for anabolic steroid screening with standard diagnostic criteria and chain of custody protocol. Any student who shows a positive screen for anabolic steroid use will follow the same discipline procedures as mentioned under F 1-4.
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 to the Superintendent.
6. If it is determined that the pupil has been using anabolic steroids, the pupil and others shall be interviewed by a Substance Awareness Coordinator, school nurse, school psychologist, school social worker or student personnel

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services endorsements on the Educational Services Certificate and are trained to assess alcohol and other drug abuse for the purpose of determining the extent of the pupil's involvement with substances and the possible need for referral for treatment. In order to make this determination, the staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and staff. The school staff member may also consult with physicians and such experts in the field of substance abuse as may be appropriate.

7. If it is determined that the pupil's use of steroids represents a danger to the pupil's health and well-being, the Substance Awareness Coordinator or individual who holds a school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are 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 appropriate drug and alcohol licensing board.

#### D. Evaluation and Treatment of Pupils under the Influence of a Substance Other Than Anabolic Steroids

- 1 a. Any educational staff member or other professional to whom it appears that a pupil may be currently under the influence of alcohol or other drugs on school property or at a school function shall report the matter as soon as possible to the certified or non-certified school nurse or the school physician and the Principal as required in N.J.S.A. 18A:40A-12. If the principal and the certified or non-certified School Nurse or school physician are not in attendance, the staff member responsible for the function shall be notified. The Administrator shall complete the Violence, Vandalism and Substance Abuse Incident Report, according to N.J.S.A.18A:17-46 and N.J.A.C.6A:16-5.3.
- 1 b. Students identified through the memorandum of agreement, core team or other sources will be required to submit to a diagnostic assessment and comply with all recommendations. Failure to do so will result in disciplinary action as stated in F 1-4.

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- 1 c. Students identified through memorandum of agreement with distribution of substances, will be immediately suspended pending the outcome of a superintendent's hearing.
- 1 d. Students identified through a core team referral or other sources will be recommended to submit to a drug / alcohol screen. A positive result will require a diagnostic assessment and compliance with all treatment recommendations of policy #5530.
2. The Principal or his/her designee, in response to every report, shall immediately notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
3. The Principal or his designee, in response to every report, must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a [doctor] physician licensed to practice medicine or osteopathy that is selected by the parent(s) or legal guardian(s). If the parent's or legal guardian's physician licensed to practice medicine or osteopathy is not immediately available, medical examination may be conducted 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 or with the parent(s) or legal guardian(s) permission to a district designated medical facility. The pupil shall be accompanied by the pupil's parent(s) or legal guardian(s). If the parents are not available, a member of the school staff appointed by the principal shall accompany the student to the ER of the nearest hospital for an examination. Parental or legal guardian permission is not required for the school physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to, accompany the pupil to the school physician and/or emergency room. The principal and/or designee will supervise the pupil while the student is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician or waiting for and receiving the examination by the school physician or in the emergency room. An examination conducted by a physician selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall

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not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital or at a district designated medical facility shall be at the expense of the school district.

This evaluation shall include:

- (1) Examination by a physician,
  - (2) Monitored urine screen, blood screen, and/or breath/saliva screens,
  - (3) Students and parents must comply with any additional medical test deemed necessary by the physician including the results of a drug and/or alcohol screen and those results must be shared with the school.
  - (4) If the student or parent does not comply with the medical evaluation, or refuses to release the results, the student will be subject to the same consequences as if he/she has a positive drug/alcohol screen.
4. The school district, in cooperation with the medical professional licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A;16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. Any substance screening conducted by the school nurse and/or other staff is not a substitute for the required medical examination required in N.J.S.A. 18A:40A-12.
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), the Principal, and to the Superintendent within twenty-four hours of the referral of the pupil for suspected drug or alcohol use.
6. When the medical examination is performed by a physician other than the school physician, at the emergency room of the nearest hospital or at a designated medical facility approved by the Board, the parent is required to verify the medical examination was performed within two hours of the referral of the pupil for suspected drug or alcohol use. The verification will include the printed name, address and phone number, and signature of the examining physician indicating the required report is pending and the date by which it will be provided.



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7. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the pupil's ability to perform in school, the pupil will be immediately returned to school pending drug or alcohol urine analysis results. If the written report of the examination is not submitted to the principal and/or Superintendent within twenty-four hours of the referral of the pupil, the pupil will not be allowed to return to school until such time as they provide medical clearance.
8. If there is a positive determination from the medical examination, indicating the pupil's alcohol or other drug use interferes with his or her physical or mental ability to perform in school the pupil will be returned to the parent's care as soon as possible. The student is subject to all disciplinary procedures as stated in section F-3 of this regulation.
9. If there is a positive drug screening indicating that the student was under the influence of substances, excluding anabolic steroids, the board-approved laboratory will fax the results to the building principal and the school physician. Attendance at school will then depend upon receipt of a written notification submitted to the principal and Superintendent from the physician who has examined the student. The initial report shall certify that substance use no longer interferes with the student's physical and mental ability to perform in school. The student is subject to all disciplinary procedures as stated in section F 1-4 of this regulation.
  - a. The student and parent will meet with the principal and the SAC. The student will be referred to an outside resource approved by the State Department of Health and certified by the appropriate drug and alcohol licensing board or a licensed practitioner who holds a certification in alcohol and drug counseling to conduct a diagnostic assessment for substance abuse.
  - b. If it is determined, through outside evaluation that a student is abusing alcohol and/or other substances, the SAC will monitor the student's continuum of substance treatment. He/She will provide support services for students who are in treatment or returning from treatment for substance dependency.
  - c. The student will comply with continued monitoring of substance involvement. Results will be reported to the parent.

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- d. Student is expected to comply with all treatment recommendations in order to remain in school.
  - e. All students returning to school from suspension or treatment programs must participate in a reentry conference with the parent(s), SAC, administrator and guidance counselor.
- 10. Attendance at school will not resume until a written report has been submitted to the parent(s) or legal guardian(s), principal and Superintendent from the physician who has examined the pupil to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school. Removal of a pupil with a disability shall be made in accordance with N.J.A.C. 6A:14-2.8.
  - 11. If the results of the drug and alcohol screenings are negative, the student shall be permitted to resume classes immediately and no legal action can be taken against any individual involved in this procedure.
  - 12. If at any time it is determined a pupil's use of substances presents a danger to the pupil's health and well-being, the substance awareness coordinator or individual who holds a school nurse, school psychologist, school social worker, or student personnel services endorsements on the Educational Services Certificate and are trained in alcohol and other drug abuse treatment referral shall initiate a referral for substance abuse treatment. 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 and the return of the pupil to school shall be deemed to have violated the Compulsory Education Act N.J. S.A. 18A:38-25 and 18A:38-31, and/or the child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and may be subject to prosecution. Furthermore, refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 shall be handled by the district in accordance with N.J.A.C. 6A16-4.1(c) 2.
  - 13. Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with Policy 5530 shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A 40A-13 and 14.

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

1. A pupil's person, effects, including vehicles parked on school grounds 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 drug. The evidence shall be locked in a secure place until turned over to the local law enforcement agency.

#### F. Discipline

1. 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 considered to be more severe offenses and warrant stricter disciplinary measures.

Pupils who violate the substance abuse rules will be disciplined according to R 5600, Pupil Discipline.

2. In accordance with N.J.A.C.6A:-4.1(c), disciplinary action will be taken in the event the pupil does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

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3. A student found to be under the influence, using, possessing, or selling substances or paraphernalia on or near (within 1000 feet) of school property or during a school sponsored or school related activity will be disciplined as follows:
  - a. First Offense
    1. Minimum of four (4) days out of school suspension (and exclusion from co-curricular activities) or until in compliance with and actively engaged in recommended evaluation and/or treatment programs, whichever is longer. Reinstatement in school activities is contingent upon administrative review and subject to continued monitoring.
    2. Prior to returning to school, the student and parent must meet with the SAC and administration and comply with recommended programs.
    3. Student may be denied participation in the junior and/or senior proms, school trips, graduation, and other end of year activities until all requirements stated in the above are satisfied.
    4. Student will be subject to continued monitoring of substance involvement and searches of his/her personal property including pat down searches , including vehicles parked on campus, for the remainder of his high school career, based upon reasonable suspicion, at the discretion of the administration. The searches may include assistance from the local police department.
  - b. Second Offense
    1. Minimum of 10 days out of school suspension, consultation with SAC and must follow recommendations of the SAC. Student must be actively engaged in a treatment program prior to returning to school.

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2. A pupil who has been removed from school under this paragraph, other than a pupil who has been expelled, shall after 10 days be placed on home instruction pending further evaluation.
3. Denial of participation in all school related activities for no less than 30 days.
4. Subject to Superintendent's review.

#### c. Third Offense

1. All in the above paragraphs including Board of Education review and possible expulsion as per Superintendent's determination.

A student's discipline record under the Substance Abuse Policy will be carried from year to year, i.e., an offence occurring in the sophomore year following an offense in the freshman year places a student at the second offense stage for that offense. Similarly, suspensions under this policy will be carried into subsequent year, i.e., a 30-day activity suspension occurring in June will be completed in the next school year.

4. A pupil who has been removed from school for his/her involvement with drugs, other than a pupil who has been permanently removed from school, shall be placed on home instruction.

#### G. Outreach to Parents

1. An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be conducted at times, including evenings and weekends, convenient to parent(s) or legal guardian(s) and on school premises or at suitable facilities closer to pupil's residences or parents' workplaces.

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2. The parents' outreach program may 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;
  - c. Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;
  - d. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
  - e. Instruction on the identification of the symptoms and behavioral patterns that might indicate a substance abuser;
  - f. 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
  - g. Review of Board policy and administrative regulations on substance abuse with attention to the role of parents.

### H. Records/Confidentiality

1. (a.) The principal/designee shall not disclose to law enforcement officials or any person other than a member of the district's substance abuse program that a student has received or is receiving services through the district's substance abuse program.
- (b.) The principal/designee shall not disclose any information, including the student's identity or information about illegal activity, were such information was learned in the course of, or as a result of, services provided through the district's substance abuse program.
- (c.) Information about illegal activity which was learned by any school employee outside of the district's substance abuse program may be disclosed to law enforcement officials. Any such information about illegal activity shall be reported according to the requirements of N.J.A.C. 6A:16-6.3 and 6.4

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- (d.) The principal/designee shall not disclose the identity of any student who voluntarily and on his or her own initiative turned over a substance or paraphernalia to a school employee, provided that there is reason to believe that the student was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and provided that the student agrees to participate in an appropriate treatment or counseling program. An admission by a student 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 paraphernalia by the principal or teaching staff member does not constitute a voluntary self-initiated request for counseling and treatment.
- (e.) The above restrictions on disclosure apply to any information, whether recorded or not recorded, which would identify a pupil or family member as a substance user either directly, by reference to other publicly available information, or through verification of such an identification by another person. Information provided by a pupil who is involved in the school's substance abuse program for substance abuse may be disclosed subject to section H, paragraph 3 of these regulations.

Nothing in these regulations shall be construed in any way to authorize or require the transmittal of any information or records in the possession of a substance abuse counseling or treatment program.

- 2. 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 the pupil leaves school.
- 3. 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.
- 4. If a secondary pupil involved in a school intervention or treatment program provides information during the course of a counseling session in that

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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 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.

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 school advising the recipient that the information is being disclosed from the 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 Youth and Family Services 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.



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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.

5. Each incident of substance abuse shall be reported to the Commissioner on the Violence, Vandalism and Substance Abuse Incident Report form.

Adopted: 06 January 2004

Revised: 25 September 2008; 29 June 2009