

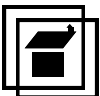
5530 SUBSTANCE ABUSE (M)

A. Introduction

The Board of Education recognizes that in addition to introducing and maintaining a comprehensive substance abuse education program at all grade levels, a policy must be adopted committing the school district to establish a procedure to aid students to seek help to correct possible substance dependency and/or abuse problems. The Board also recognizes that these procedures must reflect a cooperative effort between school personnel, parents and the community.

B. Definitions N.J.S.A. 18A:40A-9 N.J.A.C. 6A:16-1.3; 6A:16-4.1

1. Substance - shall mean alcoholic beverages, anabolic steroids, controlled dangerous substances as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2 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 in N.J.S.A. 2C:35-10.4, 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. "Substance" shall also include imitation controlled dangerous substances, as defined in N.J.S.A. 2C:35-11, in which over-the-counter and prescription medications, or any other substance, is expressly or impliedly represented to be a controlled dangerous substance or controlled substance analog.
2. Drug - includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4.
3. Substance Abuse - shall mean the consumption or use of any substance as defined herein 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.
4. Constructive Possession - will mean the following: A person would be considered to be in constructive possession when, in analyzing the facts of a specific situation, one could reasonably infer that a person or persons had knowledge of those facts and had access and the ability to exercise control



over the item/situation. All references to possession in this policy will also include constructive possession.

5. School Functions - shall be defined as (a) on school property; (b) at any place where an interscholastic athletic contest is taking place; (c) during the course of any field trip; (d) during the course of any trip or activity sponsored by the Board of Education or its authorized agents; and (e) upon school transportation vehicles at any time.
6. School Grounds – means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central services facilities including, but not limited to, kitchen and maintenance shops. School grounds also includes other facilities as defined in N.J.A.C. 6A:26-1.2, playgrounds, and 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.
7. Intervention – means those programs, services, and actions taken to identify and offer help to a student at risk for learning, behavior, or health difficulties.
8. Referral for Treatment – means those programs and services offered to a student or his or her family to help implement the recommendations of an evaluation or in response to the family’s request for assistance with a learning, behavior, or health difficulty.
9. Parent – 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.
10. Under the Influence – means that the student is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the use of a substance.
11. Evaluation - includes, but is not limited, to the following:



- a. Those 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.
 - b. An evaluation may be made through student assistance coordinators, school nurse, principal, and school counselors.
12. SAC - Student Assistance Coordinator
13. Paraphernalia - means accessory items to usage of drugs or other substances.

C. Overview

The Board of Education, together with the administrative, instructional, and counseling staff, recognizes the following as the primary objectives of this policy:

- 1. To devote the energies of the Board of Education and the administrative and instructional staff of the school district to the prevention of substance use and from the proliferation of the same into our schools, with the prime concern of protecting non-using students, and further, the destruction of the potential marketplace which the school or schools can easily become.
- 2. To educate young people, of all grades, on the dangers of substance abuse.
- 3. To provide the necessary attitude and value changes in those young people who are currently using substances.
- 4. To establish a clear procedure to handle the possible drug, alcohol, anabolic steroid, or other substance abuse related situations involving students of the Washington Township School District on or off school property.
- 5. To provide for the evaluation and treatment of students, as those terms are defined by law (N.J.A.C. 6:29-6.2), who are affected by drug, alcohol or other substance use.
- 6. To ensure that substance abuse policies and regulations for discipline, evaluation, intervention, and treatment of drug, alcohol, or other substance abuse affected students shall be made available annually to all school staff, students, and parents or guardians.



7. To comply with the confidentiality requirements established in federal regulations found at 42 CFR Part II.
 8. To ensure assessments of students are conducted by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in drug, alcohol and other substance abuse prevention.
 9. To ensure community agencies taking student referrals are approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health and Senior Services.
- D. Curriculum and Instruction: N.J.S.A. 18A:40A-1 et seq., N.J.A.C. 6A:16-3.1
- 1 The Board of Education shall provide a comprehensive program of instruction on the nature and effects of substances 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.
 - 2 The Board of Education shall continue to incorporate into the curriculum for elementary school grades, drug, alcohol, tobacco, and steroid education appropriate for students given their age, maturity, and grade level, in accordance with existing Department of Education guidelines.
 - 3 Programs for substance awareness education are to be continued and modified by the professional staff of all schools for all grades. The grade-level work and patterns of instruction will be detailed. Instruction will be specific for what must be covered.
 4. The Board will require a program of instruction in grades 7 through 12 offering a minimum of ten clock hours per school year of alcohol and other drug education in accordance with Department of Education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq. Drug, alcohol, tobacco and steroid education shall be integrated with the health curriculum. Additionally, the district will offer counseling support designed to meet the needs of students with alcohol or other drug use problems.



5. Substance abuse educational programs for parents/guardians will be offered at times and places convenient to the parents/guardians on school premises or other facilities to the extent possible.

E Drugs, Alcohol, Tobacco, Steroids, and Other Substances

It is the responsibility of the Board of Education to safeguard the health, character, citizenship, and personality development of the students in schools. The Board therefore, maintains that the unlawful possession and/or use of drugs, alcohol, tobacco, steroids, or other substances are wrong and harmful. The Board of Education recognizes that the misuse of drugs, alcohol, tobacco; steroids, or other substances threatens the positive development of the student and the welfare of the entire school community. The Board of Education is committed to the prevention of drug, alcohol, tobacco, steroid or other substance abuse, and the rehabilitation of identified abusers.

1. The Board of Education prohibits the use, possession and/or distribution of any substance on school grounds or at school functions, within the boundaries of the school district, before, during, or after a school event, on the way to or from a school event, within or across school boundaries, and at any event away from the school which is sponsored by or provided for under the auspices of the Board. Compliance with a drug and other substance-free standard of conduct at all school functions is mandatory for all students. Students suspected of being under the influence of a substance will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the New Jersey State Board of Examiners as student assistance coordinators or by individuals who are appropriately certified by the New Jersey Board of Examiners and trained in substance abuse prevention. A student who uses, possesses, or distributes a substance on school premises or while attending a school-sponsored activity will be subject to discipline, which may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Students suspected of involvement with a substance away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by substance use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug, alcohol or other substance abuse prevention, intervention, and follow-up.



2. All district personnel shall be alert to signs of substance use by students and shall respond to those signs in accordance with procedures established by the Superintendent of Schools.

The Board of Education will provide in-service training to assist district personnel in identifying students who use substances, and in helping students with substance-related problems in a program of rehabilitation. The Board directs the establishment of a program designed to provide short-term counseling and support services for students who are in care or returning from treatment for substance dependencies. The district shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.

3. The Superintendent shall develop administrative regulations for:
 - a. A comprehensive program of drug, alcohol, tobacco and steroid education;
 - b. The identification and remediation of students involved with substance use and abuse;
 - c. The examination and treatment of students suspected of being under the influence of a substance(s) to determine the extent of the student's use or dependency;
 - d. The treatment and discipline of students who use, possess or distribute a substance in violation of law or this policy through referral to an appropriate substance abuse program as recommended by the Department of Health;
 - e. The treatment and discipline of students who do not follow through on the recommendations of an evaluation for substance abuse and related behavior; and
 - f. The readmission to school and treatment of students who have been convicted of substance-related offenses.
4. The Superintendent, or designee, will report students to law enforcement authorities if the staff member has reason to believe a student is unlawfully possessing or in any way is involved in the distribution of controlled



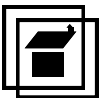
dangerous substances, anabolic steroids, or drug paraphernalia, on or within 1,000 feet of the outermost boundary of school property pursuant to N.J.A.C. 6A:16-6.3(a). The Superintendent will not report students who have voluntarily sought treatment or counseling for a substance abuse problem provided that the student is not involved or implicated in a current drug, and/or substance distribution activity. 6A:16-6.3(a). An admission by a student of a violation of the Substance Abuse policy which is in response to questioning initiated by a law-enforcement officer or school employee shall not constitute a voluntary, self-initiated request for counseling and treatment.

5. Refusal or failure by a parent/guardian 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 (N.J.S.A. 9:6-1 et seq.) laws.

F Records

Notations concerning a student's involvement with substances may be entered on his/her records, subject to 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 student or when the student leaves school. Information regarding a student'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 an elementary or secondary student involved in a school-based drug alcohol or other substance abuse counseling program provides information during the course of a counseling session in that program which indicates that the student's parent(s) or legal guardian(s) or other person residing in the student's household is dependent upon or illegally using a substance as that term is defined in N.J.S.A. 18A:40A-9, that information shall be kept confidential and may be disclosed only with 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 family or the appropriate school personnel in the case of an elementary student; pursuant to a court order; 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 to the Division of Child Protection and Permanency or to a law enforcement agency, if the information would cause a



person to reasonably suspect that the elementary or secondary student or another child may be an abused or neglected child.

G. Civil Immunity

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:40-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers and agents of the Board. Any staff member who in good faith reports a student to the Principal, the Principal's designee, the district physician, or the school nurse in an attempt to help such student cure his/her abuse of substances shall not be liable in civil damages as a result of making any such report. N.J.S.A. 18A:40a-13; 18A:40A-14, N.J.A.C. 6A:16-4.3(c).

H. Law Enforcement

1. Enforcement of Drug-Free School Zones

The Board of Education recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of substances or drug paraphernalia on school property. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The Board shall, therefore, establish a formal Memorandum of Agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the County Prosecutor and approval by the County Superintendent of Schools. The Memorandum of Agreement shall be consistent with the School Zone Enforcement Code (N.J.A.C. 6:29-10.1 through 10-6), Statewide Action Plan for Narcotics Enforcement and the Attorney General's Executive Directive 1988-1.

2. Law Enforcement Liaison

In order to ensure that such cooperation continues, the Board directs the Superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.



3. Undercover Operations

The Board hereby recognizes that the Superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that substance use and/or trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent to request such intervention under these circumstances. The Board recognizes that the Superintendent is not permitted to ask the Board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The Board recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in a district school. The Board recognizes that the Superintendent is prohibited from discussing the request with the Board. The Board hereby authorizes the Superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the Attorney General's Executive Directive 1988-1 and that is in the best interests of the students and the school District.

The Board directs the Superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, Principal, or any other school staff or district Board member who may have been informed about the undercover operation is required to immediately communicate information to the County Prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of any undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Superintendent shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

4. Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures and Arrests

Any school employee who has reason to believe a student(s) or a staff member(s) is in possession of and/or using substances or drug paraphernalia



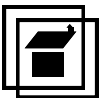
on school premises shall bring that information to the school principal who, in turn, shall report same to the Superintendent. The Superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the Superintendent shall cooperate with the law enforcement authorities in accordance with the law and the administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If any arrest is necessary, and no exigent circumstances exist, the Superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Superintendent or the Principal shall immediately notify the student's parent/guardian whenever a student is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any substance or drug paraphernalia.

Whenever the police have been summoned to a school building by the Superintendent, the Superintendent shall report the reason the police were summoned and any pertinent information to the Board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

5. Student Searches and Securing Physical Evidence

The Principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.* U.S. 325 (1985), as set forth in Appendix C of the Attorney General's Statewide Plan for Narcotics Enforcement. A parent/ guardian may be contacted at the discretion of the Principal to do a more extensive search of the student. This would be done



without a school official present and in a secured room. The parent would then communicate the results to the school official.

If, as a result of the search, a substance or drug paraphernalia is found, or if a substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the Principal shall immediately notify the Superintendent who shall immediately in turn, notify the appropriate law enforcement agency. The Principal shall ensure that the substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials take custody of the item(s)/substance(s). The Principal shall then contact the student's parents/guardians to inform them of the occurrence.

Principals are authorized by the Board of Education to search the school building and student cars via trained canines throughout the year. Such searches will be without forewarning to students or staff.

Whenever law enforcement officials have been called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

6. Police Presence at Extracurricular Activities

The Superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Superintendent believes that uniformed police presence is necessary to deter substance use or trafficking or to maintain order or crowd or traffic control at a school function.

7. Resolving Disputes Concerning Law Enforcement Activities

The Board authorizes the Superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If, for any reason, the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Superintendent shall work in conjunction with the County Prosecutor, and where appropriate, the Division of Criminal Justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level



shall be reported to the Board and shall be resolved by the Attorney General whose decision will be binding.

I. Confidentiality of Student Involvement in Intervention and Treatment Programs

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

Substance abuse in the district is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, the student's parents/guardians shall be notified so as to attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance abuse counseling or treatment program including, but not limited to, the school district's own substance abuse program. All information concerning a student's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR 2 and N.J.A.C. 6:29-10.3.

J. In-Service Training

The Superintendent will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with Board policies and N.J.A.C. 6:29-10.3 et seq.

K. Annual Review

The Board of Education shall establish an annual process to review the effectiveness of its drug, alcohol and other substance abuse policies and procedures. The Board of Education shall solicit community input as well as consult with local substance abuse prevention, intervention, and treatment agencies licensed by the State Department of Health and Senior Services in the review process.

L. Availability of Policy

Drug, alcohol and other substance abuse policies and procedures for discipline, evaluation, and treatment of students shall be made available annually to all school staff, students, and parents/guardians. Each newly hired employee and transferred student will be offered this policy and implementing regulations on his/her arrival



in this district. This policy shall be in each building, and notification of its availability shall appear annually in the district's parent handbook. N.J.S.A. 18A:40A-10; 18A:40-11; N.J.A.C. 6A:16-4.2(a) and (b).

The Board of Education will communicate the district's policy on substance abuse through the Principal's Newsletter. Included will be selected portions of the policy, symptoms/signs parents can look for in their children if they are involved in substance abuse, and agencies throughout the area where parents can seek assistance.

The individual schools will use back-to-school night as an additional means to communicate the district's Substance Abuse policy to parents.

N.J.S.A. 18A:40A-1 et seq.

N.J.A.C. 6:29-6.1 et seq.

Adopted: 25 August 1998

Revised & Approved: 28 March 2001

Revised & Approved: 25 June 2001

Revised & Approved: 18 December 2001

Revised & Approved: 29 June 2011

Revised & Approved: 26 June 2012

Revised & Approved: 28 February 2023

