

R 5530 SUBSTANCE ABUSE (M)

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It is the responsibility of the Board to respond to pupils who are having health problems, including those relating to substance abuse. The Board must be sensitive to the need to communicate accurately and forthrightly with all involved, to follow substantive and procedural due process in all dealings with pupils and their families, and to help pupils and their families to secure necessary assistance.

Throughout the following processes, it is important for Principals or his/her designee to keep accurate and detailed records on all incidents relating to suspected and/or actual substance or substance paraphernalia use, consumption, possession and/or distribution. Principals or his/her designee are required to promptly inform the Superintendent of events as they take place with appropriate supporting documentation, which includes, but is not limited to, staff members' reports, medical and agency reports, and correspondence with parent(s) or legal guardian(s). At all times, a pupil's right to seek confidential help must be respected, and all records regarding a pupil's involvement with substance abuse treatment shall be treated as confidential information as set forth in Federal Law 42 C.F.R., Part II.

A. Summary of Regulations

1. Of primary concern is the safety and well-being of pupils, and maintaining a drug and alcohol free environment in the schools. Pupils suspected of being under the influence are required to receive an immediate medical examination from a physician. Medical clearance to return to school may include physical examination and diagnostic tests such as urine or blood screening.
2. A pupil's first offense under the policy for a violation other than distribution will be suspended for ten school days, to include a minimum of five days out of school and the pupil will be ineligible for co-curricular programs/extra-curricular activities for a minimum of forty-five days and will be ineligible for overnight trips/activities for a minimum of ninety days, beginning with the initial suspension as a means to insure that the pupil and his/her parent(s) or legal guardian(s) focus on treating his/her substance problem. At the end of the forty-five day ineligibility period for



co-curricular programs/extra-curricular activities, the pupil will be retested for substance abuse, and will not resume eligibility until he/she produces a negative test result. The production of a positive result in the re-testing of a pupil may lead to further discipline. The tests that are administered after the forty-five day ineligibility period shall not be at the Board's expense.

- a. In the event that a suspension or period of ineligibility should be interrupted by the end of a school year, the suspension and/or ineligibility shall be held until the start of the next school year/eligibility period.
3. A pupil's second offense under this policy will subject the pupil to a hearing before the Board with the possibility of expulsion or long-term suspension, along with indefinite ineligibility for co-curricular programs/extra-curricular activities.
4. Pupils distributing substances are viewed as posing an intolerable threat to the school community. Pupils found distributing will subject the pupil to a hearing before the Board with the possibility of expulsion or long-term suspension, along with indefinite ineligibility for co-curricular programs/extra-curricular activities.
5. Pupils found in violation of the policy will be referred for chemical dependency screening/assessment. A series of follow-up educational and intervention programs will be developed for pupils who violate the policy.
6. Pupils found in violation of the policy who fail to complete chemical dependency screening/assessment and/or treatment may be subject to additional disciplinary consequences.
7. Required therapeutic intervention will include a minimum of ten hours of alcohol, tobacco and other drug ("ATOD") education; monthly educational meetings with substance awareness coordinator ("SAC"); follow-up ATOD screening.

B. Definitions

For the purpose of this regulation, "substance" shall mean:



1. All alcoholic beverages, anabolic steroids, all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., all metabolites of controlled dangerous substances as set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., all prescription and over-the-counter medications, specifically including, but not limited to, over the counter medications containing metabolites of controlled dangerous substances as set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., as well as any chemical or chemical compounds which release 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 set forth in N.J.S.A. 2C:35-10.4.
2. Any substance which is an imitation or look alike alcoholic beverage, anabolic steroid, controlled dangerous substance or controlled dangerous substance metabolite, prescription or over-the-counter medicines, and such imitation is either expressly or impliedly represented to be a substance as defined in Section 1. above, and/or is of such nature, appearance or effect that any recipient thereof will be able to use, consume or distribute the imitation substance as a substance as defined in Section 1. above, and/or a reasonable person could be led to believe that the imitation substance is a substance as defined in Section 1. above.
3. "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.
4. "Other drugs" mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).
5. "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, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

6. “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.
7. “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.
8. “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 structure, building, or facility used solely for school administration as defined in N.J.A.C. 6A:26-1.2.
9. “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.

10. “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.
11. “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.

For the purpose of this regulation, “constructive possession” shall mean the following: A pupil may be considered to be in constructive possession of a substance or substance paraphernalia when, in analyzing the facts of a specific situation, one could reasonably infer that the pupil knowingly had access to and the ability to exercise control over the substance or substance paraphernalia. This includes, but is not limited to, placing or arranging to have the substance or substance paraphernalia placed in a back pack, gym bag, purse, school locker, or in a school bus, car or other vehicle in the school parking lot, on school grounds, or while en route to and from school or any school related activity or at any event away from school grounds sponsored by the Board.

For the purpose of this regulation, “substance abuse” shall mean the use or consumption 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, or as recommended by the manufacturer of the substance.

For the purpose of this regulation “substance paraphernalia” shall mean all “drug paraphernalia” as set forth and defined in N.J.S.A. 2C:36-1 et seq.



For purposes of this regulation, the use, consumption or possession of any prescription or over-the-counter medication by a pupil in a quantity recommended for personal use or consumption by a physician or the manufacturer, and for the treatment of the pupil's sickness or injury, will not subject the pupil to discipline under this regulation. This exception, however, shall not include incidents involving the distribution of prescription or over-the-counter medication.

C. Reporting, Notification, and Examination Regulations for Pupils Suspected of Being Under the Influence of a Substance or Substances

Teaching staff members, the school nurse and other educational personnel must be alert to the signs of a pupil's use, consumption or abuse of a substance, which include, but are not limited to: impaired health or fatigue; excessive truancy or tardiness; lower grades; depressed appetite or loss of weight; extremes; eyes that are blood shot, watery, extremely wide, or have extremely small pupils; an unusual body or breath odor; needle tracks; a change in attitude, personality, temperament, appearance, or peer groups; and mental confusion. A behavior checklist is to be provided for each referral that is made with reference to possible substance use, consumption, or abuse.

Concerns over pupil use or consumption of a substance outside of school and away from school related activities may be passed on, via use of the referral and/or behavior checklist, to a Child Study Team member, guidance counselor, SAC, the school nurse or any administrator who can follow through on the process of investigating non-emergency cases of suspected substance use, consumption or abuse.

D. Pupils Using, Consuming and/or Under the Influence of a Substance Other Than Anabolic Steroids on School Premises, Either Before, After or During the School Day, at Any Bus Stop, on a School Bus, or While En Route To And From School

1. Students Suspected of Being Under the Influence of Alcohol or Other Drugs Other Than Anabolic Steroids – N.J.A.C. 6A:16-4.3(a)
 - a. Any educational staff member or other professional to whom it appears that a student may be currently under the influence of alcohol or other drugs on school grounds 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.

- (1) 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.
 - (2) 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.
- b. In response to every report by an educational staff member or other professional of suspected student alcohol or other drug use, including instances when a report is made to law enforcement, the Principal or designee shall:
- (1) Immediately notify the student's parent and the Superintendent or designee;
 - (2) 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 alcohol or other drugs, other than anabolic steroids; and
 - (3) 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.



2. Once aware of such suspected use, consumption or abuse, the Building Principal or his/her designee must consult with the school nurse to determine if there is a medical emergency, and then:
 - a. Notify the pupil's parent(s) or legal guardian(s) and provide them with a copy of these regulations;
 - b. Notify the Superintendent;
 - c. Notify the SAC;
 - d. Notify the Child Study Team if the pupil is classified; and
 - e. Arrange for an immediate medical examination, or as soon as possible, by a physician with or without parent(s) or legal guardian(s) consent.
 - (1) This examination must include a screening for substance abuse through approved tests such as urine or blood screening, and may be performed by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s);
 - (a) When the medical examination is conducted by a physician selected by the parent(s) or legal guardian(s), the examination shall not be at the expense of the Board.
 - (2) If the pupil's parent(s) or legal guardian(s) cannot be reached, or the physician chosen by the parent(s) or legal guardian(s) is not immediately available, the medical examination shall be conducted by the school physician.
 - (3) If the school physician is not available, the pupil shall be accompanied by two members of the school staff, designated by the Building Principal or his/her designee, to the emergency room of the nearest hospital for the medical examination.



- (a) The pupil's parent(s) or legal guardian(s), if available, shall also accompany the pupil to the emergency room of the nearest hospital.
- f. Request that the written results of the medical examination be furnished by the examining physician to the Building Principal and parent(s) or legal guardian(s) within twenty-four hours as required by N.J.A.C. 6A:16-4.3;
 - (1) When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the parent(s) or legal guardian(s) shall verify that a medical examination was performed within twenty-four hours of the referral of the pupil for suspected substance use, consumption or abuse. Such verification shall include, at a minimum, the signature, printed name, address and phone number of the examining physician indicating that the written medical report is pending, as well as the date by which the report will be provided.
- g. As provided by law, a refusal or failure by a parent(s) or legal guardian(s) to comply with these regulations shall be deemed a violation of the compulsory education law and/or child neglect laws and the Division of Youth and Family Services will be notified;
- h. If no results are available within twenty-four hours, the pupil will be allowed to return to school until such time as the results are determined, unless the pupil verbally acknowledges conduct that is a violation of Policy 5530;
- i. As soon as possible, a written statement describing the incident including the date, time, circumstances, action taken, and other staff members involved must be submitted to the Building Principal, who shall submit the written statement to the Superintendent;



- j. If the physician's examination is positive and/or the chemical screening is positive, the pupil is deemed to have committed a substance abuse offense, or if the pupil verbally acknowledges conduct that is a violation of Policy 5530:
- (1) The pupil shall be returned to the care of a parent(s) or legal guardian(s) as soon as possible;
 - (2) The pupil shall be suspended from school for a minimum of ten school days;
 - (3) Attendance at school shall not resume until a written report has been submitted to the parent(s) or legal guardian(s), the Building Principal, and Superintendent from a physician licensed to practice medicine or osteopathy indicating that the substance used, consumed, or abused no longer interferes with the pupil's physical or mental ability to perform in school;
 - (4) The pupil shall be interviewed by the SAC or other appropriate trained teaching staff member for the purpose of determining the extent of the pupil's involvement, use, consumption or abuse of substances, and the possible need for treatment;
 - (a) In order to make this determination, the SAC or other teaching staff member may include interviews with the pupil's teachers and parent(s) or legal guardian(s), and may also consult with such experts in the fields of substance abuse as may be necessary and appropriate; and
 - (b) If it is determined that the pupil's involvement, use, consumption or abuse of these substances represents a danger to the pupil's health and well-being, the pupil shall be referred to an appropriate treatment



program which has been approved by the Commissioner of Education.

- (5) The SAC or other appropriate trained teaching staff member shall advise the pupil and the parent(s) or legal guardian(s) of available counseling and support services in the community which are approved by the Burlington County Local Advisory Council on Alcoholism and Drug Abuse (“LACADA”) or the New Jersey Department of Health;
 - (6) If the student is a juvenile, the Juvenile Officer shall be notified; and
 - (7) If the incident occurs during summer session, the pupil will not be permitted to return to summer school;
- k. Pupils and their families who acknowledge that substance abuse is a problem may at this point seek help from the school by participating in the Pupil Assistance Program;
- l. In conjunction with the SAC, the pupil’s parent(s) or legal guardian(s) shall arrange for the pupil to participate in a formal chemical dependency evaluation by an appropriately certified professional within five days of the incident in order to help determine the extent of the pupil’s substance use, consumption or abuse, and its effect on his/her school performance.
- (1) This evaluation shall not be at the expense of the Board of Education;
 - (2) The pupil and parent(s) or legal guardian(s) shall arrange for the chemical dependency professional to be in contact with the SAC;
 - (3) A written summary of this evaluation shall be provided to the SAC; and



- (4) Failure to complete this evaluation within ten days may result in an additional suspension for a minimum of five school days.
 - m. While the pupil is at home because of disciplinary and/or medical reasons, the Child Study Team will intervene to determine the pupil's eligibility for home instruction, special services and need for special education and/or related services.
 3. Following the pupil's return to school:
 - a. Based on the findings and recommendations from the chemical dependency evaluation, the pupil will be required to satisfactorily complete an appropriate treatment program.
 - (1) Any treatment sought will not be at the expense of the Board of Education;
 - (2) The SAC will supervise the pupil's participation in any recommended treatment programs; and
 - (3) Failure to satisfactorily complete the indicated program of treatment may result in an additional suspension for a minimum of five school days.
 - b. The pupil must meet with the SAC for a minimum of ten educational sessions.
 - (1) The Pupil will be given ATOD educational activities and assignments outside of school hours which the SAC will monitor; and
 - (2) Failure to participate in these sessions or activities may result in an additional suspension for a minimum of five school days.
 - c. As part of the process to monitor a pupil's successful adherence to a program of substance abuse prevention, the



pupil shall be required to submit to random substance screenings, i.e., urinalysis, for the next twelve months.

- (1) Any pupil who subsequently tests positive will then be required to attend a mandatory Pupil Assistance Intervention to determine possible referral to more intensive treatment, and such positive test will be considered a second offense:
 - (a) The Pupil Assistance Intervention will include the pupil, his/her parent(s) or legal guardian(s), the Pupil Assistance Counselor, Guidance staff, school administration and, as appropriate, other involved professionals, including, but not limited to, treatment providers or the Child Study Team; and
 - (2) Failure to cooperate with the random screenings will be considered a second substance abuse offense.
- d. The Pupil Assistance Committee will develop strategies to help the pupil avoid future substance abuse problems;
- (1) As appropriate, the pupil and his/her parent or guardian will have input to determine educational strategies;
- e. The pupil will be declared ineligible for co-curricular programs/extra-curricular activities for a minimum of forty-five school days beginning with the initial suspension as a means to insure that the pupil and his/her parent(s) or legal guardian(s) focus on treating his/her substance problem;
- f. At the end of the forty-five day ineligibility period for co-curricular programs/extra-curricular activities, the pupil will be retested for substance abuse, and will not resume eligibility until he/she produces a negative test result. The production of a positive result in the re-testing of a pupil will be considered a second offense and may lead to further



discipline. The tests that are administered after the forty-five day ineligibility period shall not be at the Board's expense; g. Any out-of-school suspension and/or ineligibility for co-curricular programs/extra-curricular activities shall carry over from the end of one school year to the beginning of the following school year.

4. If at any time during his/her school career, a pupil commits or is deemed to have committed a second substance abuse offense:
 - a. The pupil shall be suspended for a minimum of ten school days;
 - b. At the request of the Superintendent, the pupil's case may be reviewed by the Child Study Team;
 - c. The pupil will be ineligible for co-curricular programs/extracurricular activities indefinitely; and
 - d. The pupil will be considered for expulsion or additional suspension at a hearing of the Board;
 - (1) In making its determination, the Board may consider the recommendation of the Superintendent;
 - (a) Before making his/her recommendation, the Superintendent may consult with the Building Principal, the Child Study Team and any other person the Superintendent considers relevant, including, but not limited to, the pupil, the parent(s) or legal guardian(s), teaching staff, medical and law enforcement officials; and
 - (b) In making his/her recommendation, the Superintendent shall rely upon the pupil's participation in the suggested treatment programs;



- (i) A refusal to participate in suggested programs for addressing substance abuse issues will be considered grounds for expulsion.
 5. Compliance with these regulations is mandatory.
 6. Any out-of-school suspension and/or ineligibility for co-curricular programs/extra-curricular activities shall carry over from the end of one school year to the beginning of the following school year.
- E. Pupils Using, Consuming and/or Under the Influence of Anabolic Steroids on School Premises, Either Before, After or During the School Day, at Any Bus Stop, on a School Bus, or While En Route To And From School
1. Whenever any teaching staff member, certified or non-certified nurse or other educational personnel have reason to believe that a pupil has used or consumed or may be using, consuming or abusing anabolic steroids, that person must:
 - a. Report the matter as soon as possible to the Principal or his/her designee, and to the school nurse, SAC or medical inspector.
 2. The Principal or his/her designee, in response to every report, shall immediately:
 - a. Notify the pupil's parent(s) or legal guardian(s) and the Superintendent.
 - b. 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(s) or legal guardian(s) is not available to perform the examination, the examination will be conducted by the school physician. An examination conducted, at parental request, by a physician other than the school physician shall not be at district expense.



- c. The pupil shall be examined as soon as possible for the purpose of determining whether the pupil has been using anabolic steroids.
- d. 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.
- e. If the physician's examination is positive and/or the chemical screening is positive, the pupil is deemed to have committed a substance abuse offense or if the pupil verbally acknowledges conduct that is a violation of Policy 5530:
 - (1) The pupil shall be suspended from school for a minimum of ten school days;
 - (2) Attendance at school shall not resume until a written report has been submitted to the parent(s) or legal guardian(s), the Building Principal, and Superintendent from a physician licensed to practice medicine indicating that the substance used, consumed, or abused does not interfere with the pupil's physical or mental ability to perform in school;
 - (3) The pupil will be declared ineligible for co-curricular programs/extra-curricular activities for a minimum of forty-five school days beginning with the initial suspension as a means to insure that pupil and his/her parent(s) or legal guardian(s) focus on treating his/her substance problem;
 - (4) At the end of the forty-five day ineligibility period for co-curricular programs/extra-curricular activities, the pupil will be re-tested for substance abuse, and will not resume eligibility until he/she produces a negative test result. The production of a positive result in the re-testing of a pupil will be



considered a second offense and may lead to further discipline. The tests that are administered after the forty-five day ineligibility period shall not be at the Board's expense.

3. If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by the SAC or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and possible need for treatment. In order to make the determination, the SAC or other teaching staff member may conduct a reasonable investigation which may include interviews with the pupil's teachers and parent(s) or legal guardian(s). The SAC or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with, and use of these substances represents a danger to the pupil's health and well-being, the SAC or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.
4. If at any time during his/her school career, a pupil commits or is deemed to have committed a second substance abuse offense involving anabolic steroids:
 - a. The pupil shall be suspended for a minimum of ten school days;
 - b. At the request of the Superintendent, the pupil's case may be reviewed by the Child Study Team;
 - c. The pupil will be ineligible for co-curricular programs/extracurricular activities indefinitely; and
 - d. The pupil will be considered for expulsion or additional suspension at a hearing of the Board;
 - (1) In making its determination, the Board may consider the recommendation of the Superintendent;



- (a) Before making his/her recommendation, the Superintendent may consult with the Building Principal, the Child Study Team and any other person the Superintendent considers relevant, including, but not limited to, the pupil, the parent(s) or legal guardian(s), teaching staff, medical and law enforcement officials; and
- (b) In making his/her recommendation, the Superintendent shall rely heavily upon the pupil's participation in the suggested treatment programs;
 - (i) A refusal to participate in suggested programs for addressing substance abuse issues will be considered grounds for expulsion.

- 5. Compliance with these regulations is mandatory.
- 6. Any out-of-school suspension and/or ineligibility for co-curricular programs/extra-curricular activities shall carry over from the end of one school year to the beginning of the following school year.

F. Pupils Using, Consuming and/or Under the Influence of a Substance and/or Using Substance Paraphernalia Away From School Grounds/After School-Sponsored and/or Board Approved Events or Other School Related Events

School-sponsored and/or Board approved activities or other school related events do not always occur during classroom hours or on school premises. As a result, staff members may (without all the resources of the typical school day) need to intervene with pupils who appear to be using, consuming or abusing a substance/substances or substance paraphernalia.

Whenever possible, all staff members, including volunteers who are chaperoning, supervising or attending a school-sponsored activity or event that is beyond regular hours or that may be at a different site, shall follow, as closely as possible, these regulations. All "event supervisors," i.e., staff



members, chaperones or volunteers, shall be aware that the Board's substance abuse policy's primary intention is to insure the safety and well-being of the pupil. Due to the potentially harmful medical consequences, dealing with a pupil who is suspected of being under the influence of a substance shall take precedence over the participation of the other pupils in other activities. If necessary, the event supervisor will be expected to cancel the event in order to attend to the medical needs of any pupil suspected of being under the influence of a substance.

Event supervisors are not required to comment on the disciplinary consequences of the Board's policy. Instead, all disciplinary statements shall be deferred to the Building Principal.

The following is to be used as a guide to insure the safety of pupils who are suspected of using, consuming or abusing a substance or substance paraphernalia. It is recommended that event supervisors on all after hours events, off site activities, and overnight trips familiarize themselves with the complete Policy 5530 and these regulations. All provisions of the Board's policies are still in force at all off-site, after hours and extra-curricular activities, and the following sections must be adhered to by staff members.

1. Prior to all overnight and off-site events, event supervisors are responsible for:
 - a. Insuring that an appropriate method of communication is available, i.e., cell phone, walkie-talkie, or local pay phone, in case any medical emergencies may arise;
 - b. Having the phone number of the Building Principal or his/her designee available in case of emergency;
 - c. Finding the location and phone number of the nearest medical facility, i.e., hospital, in case of emergency; and
 - d. Having available for all trips, whether a day trip or overnight trip, the phone numbers for the pupils' parent(s) or legal guardian(s), as well as a listing of any notable medical conditions, medications or allergies;



2. If a pupil is suspected of being under the influence of a substance, the event supervisor shall:
 - a. Insure that the pupil is directly supervised by a staff person or adult at all times;
 - (1) The pupil is not to be left alone;
 - b. Insure that the immediate medical needs of the pupil are met by, among other actions:
 - (1) Immediately attempt to contact the parent(s) or legal guardian(s) and inform them of the nature of the situation;
 - (2) Request, if possible, that the parent(s) or legal guardian(s) immediately take their son/daughter to a physician or to another appropriate medical facility;
 - (a) If the parent(s) or legal guardian(s) is not immediately available or refuses to take charge of the pupil, the event supervisor shall act "in loco parentis," and insure that the pupil is seen by medical personnel;
 - (3) As appropriate to the situation, call the emergency squad, secure appropriate transportation to the nearest medical facility, or otherwise insure that the pupil is taken to a trained, medical professional;
 - (a) Although it is not recommended that event supervisors drive pupils who are suspected of being under the influence of a substance, in extreme emergencies this may be required;
 - c. Along with at least one other person, who, if possible is of the pupil's same gender, accompany the pupil to the hospital; and



- d. Contact the Building Principal immediately to inform him/her of the situation;
 3. In all cases involving the use of a substance or substance paraphernalia:
 - a. The incident will be reported to the Moorestown Township Police Department;
 - b. The school will initiate formal charges;
 - c. The regulations in section C. "Reporting, Notification, and Examination Regulations for Pupils Suspected of Being Under the Influence of a Substance or Substances," sections D. and E. regarding assessment, reevaluation, referral, treatment and follow-up counseling with the SAC will be followed; and
 - d. Additional information about substance counseling and re-entry programs will be made available to parent(s) or legal guardian(s) through the SAC and/or Pupil Assistance Program.
 4. Compliance with these regulations is mandatory.
 5. Any out of school suspension and/or ineligibility for co-curricular/extracurricular activities shall carry over from the end of one school year to the beginning of the following school year.
- G. Pupils Involved in the Sale, Purchase, Transfer, Distribution or Possession of a Substance or Substance Paraphernalia on School Premises, at Related School Activities, at Any Bus Stop, on a School Bus, at Any School-Sponsored and/or Board Approved Event Away From School Grounds or While En Route To And From Such An Event
 1. Whenever a teaching staff member, school nurse or other educational personnel observes what is believed to be a sale, purchase, transfer, distribution or possession of a substance or substance paraphernalia on school premises, either before, after or during the school day, at any school related activity such as athletic



events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any event away from school grounds school-sponsored and/or Board approved, that person must:

- a. Report the incident to the Building Principal or his/her designee;
 - b. Seize any substance or item possessed in the open and in plain view by a pupil;
 - c. Turn over any seized substances or items to the Building Principal or his/her designee;
 - (1) The seized substances or items must be transferred into the custody, and placed under the sole control, whenever possible, of the Building Principal until it is turned over to the police;
 - d. Take the pupil to the Building Principal or his/her designee; and
 - e. As soon as possible, prepare and submit to the Building Principal a written statement describing the incident that includes, among other information, the date, time, circumstances, action taken, and other staff members involved;
2. If, in the Building Principal's judgment, there is a reasonable suspicion that a pupil has sold, purchased, transferred, distributed or possessed a substance or substance paraphernalia on school premises, either before, after or during the school day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any event away from school grounds school sponsored and/or Board approved, in violation of Policy 5530, a warrantless search



may be made by the Building Principal or his/her designee in accordance with the Board's policy on search and seizure. The following factors should be used in determining reasonable suspicion:

- a. Is the source of the information reliable?
 - (1) An anonymous tip alone does not meet the standard.
 - b. Is there additional substantiating evidence?
 - c. Has the pupil acted in a manner which would reasonably give rise to a suspicion of wrongdoing?
 - d. Is the contemplated search directly related to the alleged wrongdoing and not overreaching?
 - e. The pupil's age, history and school record.
 - f. The prevalence and seriousness of the problem in the school to which the search would be directed.
 - g. Consider exigent circumstances, such as:
 - (1) Would the evidence be destroyed or removed if an immediate search was not conducted?
 - (2) Is there time to request permission from the pupil's parent(s) or legal guardian(s)?
3. If it is determined that it is likely that the pupil was involved in a sale, purchase, transfer, distribution or possession of a substance/substances, or substance paraphernalia on school premises, either before, after or during the school day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any event away from school grounds school-sponsored and/or Board approved, the Building Principal must:



- a. Notify the pupil's parent(s) or legal guardian(s), and provide them with a copy of these regulations;
- b. Remove the pupil from school pending a suspension hearing;
- c. Require that the parent(s) or legal guardian(s) immediately arrange for a medical evaluation as set forth above;
- d. Notify the Superintendent or his/her designee, who, in turn, will notify the appropriate county prosecutor or his/her designee;
- e. If the pupil is a juvenile, notify the Juvenile Officer or, if such officer is unavailable, the Detective Bureau and request analysis of any seized substances or items;
 - (1) Such notification will include providing all relevant information including, but not limited to, the identity of the pupil involved;
- f. Comply with the following regulations for the handling of seized substances or items:
 - (1) Using the appropriate form, seized substances or items seized should be marked as follows:
 - (a) Signature of person obtaining the evidence;
 - (b) Date that possession was taken;
 - (c) Name of the pupil(s) involved, if known; and
 - (d) Description of the item seized, or if there is more than one item, then a list of the items with a description of each;



- (2) Seized substances or items should be maintained in the same condition from the time of seizure until turned over to the police.
 - (a) For example, suspected substances should be placed in an envelope, sealed, and marked as indicated above;
 - (3) Seized substances or items should be stored in a locked desk or storage closet until it is given to the police. Access to the areas should be limited to the person who placed it there;
 - (4) Obtain a receipt from the officer who takes over possession of the seized substances or items; and
 - (5) Note the date and the name of the officer to whom the seized substances or items were relinquished;
- g. Conduct a hearing within a reasonable period of time in order to determine if there has been a violation of Board policy;
- i. The participants in the hearing should, at a minimum, include:
- (a) The pupil;
 - (b) His/her parent(s) or legal guardian(s);
 - (c) Any individual(s) having firsthand knowledge of the incident; and
 - (d) Any other individuals whose presence is deemed appropriate.
4. Any pupil found to have sold, purchased, transferred, distributed or possessed a substance or substance paraphernalia shall:



- a. Be suspended for minimum of ten days;
 - b. Be given the opportunity to request help from the Pupil Assistance Program;
 - c. Have his/her case reviewed by the Child Study Team;
 - d. Be declared ineligible for co-curricular/extra-curricular activities indefinitely; and
 - e. Be considered for expulsion or additional suspension at a hearing of the Board;
 - (1) In making its determination, the Board may consider the recommendation of the Superintendent;
 - (a) Before making his/her recommendation, the Superintendent may consult with the Building Principal, the Child Study Team and any other person the Superintendent considers relevant, including, but not limited to, the pupil, the parent(s) or legal guardian(s), teaching staff, medical and law enforcement officials; and
 - (b) In making his/her recommendation, the Superintendent shall rely heavily upon the pupil's participation in the suggested treatment programs;
 - (i) A refusal to participate in suggested programs for addressing alcohol or drug abuse issues will be considered in the Superintendent's recommendation;
5. In all cases involving the sale, purchase, transfer, distribution or possession of a substance or substance paraphernalia:



- a. The incident will be reported to the Moorestown Township Police Department;
 - b. The school will initiate formal charges;
 - c. The regulations in section C. "Reporting, Notification, and Examination Regulations for Pupils Suspected of Being Under the Influence of a Substance Or Substances," sections D. and E. regarding assessment, reevaluation, referral, treatment and follow-up counseling with the SAC will be followed; and
 - d. Additional information about substance counseling and re-entry programs will be made available to pupils and parent(s) or legal guardian(s) through the SAC and/or Pupil Assistance Program;
6. Compliance with these regulations is mandatory.
7. Any out-of-school suspension and/or ineligibility for co-curricular programs/extra-curricular activities shall carry over from the end of one school year to the beginning of the following school year.
- H. Guidelines for Incidents Occurring Away From School Grounds
1. The Board has the right to discipline a pupil for conduct away from school grounds -- which includes, but is not limited to, conduct involving being under the influence of a substance, the use, consumption, possession and/or distribution of any substance or substance paraphernalia, as well as the use, consumption or possession of any prescription or over-the counter-medication other than for the treatment of sickness or injury, or as recommended by a physician or the manufacturer; and, conduct involving the distribution of any prescription or over-the-counter medication – when such conduct:
 - a. Constitutes a reasonable threat to the physical or emotional safety and well-being of that pupil; and/or



- b. Constitutes a reasonable threat to the physical or emotional safety and well-being of other pupils, staff or school grounds; and
- c. When such conduct materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

If such conduct does not meet the above criteria, this policy shall not be applicable.

Examples of such incidents occurring away from school grounds include, but are not limited to, awards banquets, psyche parties, and post-event parties.

- 2. With respect to conduct that occurs during summer recess, defined as that period commencing on the last day of school to the first day of the next school term, the Board has the right to discipline a pupil for such conduct when it involves the distribution of any substance or substance paraphernalia, and when such conduct:
 - a. Constitutes a reasonable threat to the physical or emotional safety and well-being of that pupil; and/or
 - b. Constitutes a reasonable threat to the physical or emotional safety and well-being of other pupils, staff or school grounds; and
 - c. When such conduct materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

If such conduct does not meet the above criteria, this policy shall not be applicable.

The Superintendent or his/her designee shall make the determination as to whether a student's conduct poses a safety threat or interferes with appropriate disciplinary requirements, and this determination shall be made at the beginning of the school year when school is in session.



3. Such discipline may include suspension, expulsion and ineligibility for co-curricular programs/extra-curricular activities. In addition, the pupil may also be reported to appropriate law enforcement personnel, and may also be referred to the Child Study Team for evaluation or have an educational accommodation plan developed to insure that the pupil's educational needs are met.
4. The Board has the responsibility to ensure that any action (consequences) taken is based on reliable sources of information. Examples of sources of information deemed by this policy to be adequate for this purpose include, but are not limited to:
 - a. A conviction or guilty plea;
 - b. An official police report from any police department identifying pupil involved in activities that constitute a violation of this policy.
 - c. A signed complaint delivered to the Administration by the complainant that includes appropriate evidence in order to identify the pupil involved and the violation of this policy.

Examples of sources of information deemed by this policy to be inadequate when standing alone, for this purpose include, but are not limited to:

- a. Anonymous information.
- b. Web based information.

These types of sources, however, when used in combination with the type of source referred to above, may be deemed adequate.

5. In all cases involving the use, sale, purchase, transfer, distribution or possession of a substance or substance paraphernalia:
 - a. The incident will be reported to the Moorestown Township Police Department;



- b. The school will initiate formal charges;
 - c. The regulations in section C. "Reporting, Notification, and Examination Regulations for Pupils Suspected of Being Under the Influence of a Substance or Substances," sections D. and E. regarding assessment, reevaluation, referral, treatment and follow-up counseling with the SAC will be followed; and
 - d. Additional information about substance counseling and re-entry programs will be made available to pupils and parent(s) or legal guardian(s) through the SAC and/or Pupil Assistance Program.
6. Compliance with these regulations is mandatory.
 7. Any out-of-school suspension and/or ineligibility for co-curricular programs/extra-curricular activities shall carry over from the end of one school year to the beginning of the following school year.
 8. In the event a pupil is suspected of involvement with substances away from school grounds, and such conduct does not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, the pupil will be offered appropriate treatment and remediation.
- I. Confidentiality of Records
1. In all cases involving a substance, voluntary pupil disclosures will be kept confidential and exchange of information will be kept between pupil, the SAC, guidance counselor, core team, and the pupil support program director. Records will be confidential and kept separate and apart from general pupil files. These files will be kept locked. Feedback to referral sources will be limited to status of pupil progress only.
 2. Disciplinary referrals, or cases which involve discovery of pupil substance use, consumption or abuse by pupils, teachers, administrators, and other staff persons, will be recorded in pupil disciplinary files. Only the content of pupil disclosures made



thereafter to the SAC, guidance counselor or core team member will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a pupil whom they believe to:

- a. Be suicidal;
 - b. Be assaultive (murder, rape, armed robbery intent);
 - c. Have been abused;
 - d. Be under the influence of a substance; or
 - e. Be in need of emergency medical treatment.
3. The results of any required medical examination or substance screening must be entered into confidential Pupil Assistance records. These confidential Pupil Assistance records will not be released without the expressed written consent of the pupil or parent(s) or legal guardian(s) unless pursuant to a court order, and will be released for the purposes of treatment only.
 4. All records generated during the process described in these regulations are to be kept confidential and separate from other school records in compliance with State and Federal Law.

J. Immunity

1. Any educational or non-educational school staff member who in good faith reports a pupil to the Building Principal or his/her designee in compliance with these regulations shall not be liable in civil damages as a result of making such a report, as specified in N.J.S.A. 18A:40A-13 and 14.

Adopted: 26 August 2008
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