

REGULATIONS:
DRUG-FREE SCHOOL ZONE ENFORCEMENT CODE
GUIDELINES FOR ALCOHOL/CONTROLLED DANGEROUS SUBSTANCES
AND MOOD-ALTERING SUBSTANCE ABUSE

Date of Adoption: September 22, 2005

Of major concern to the Scotch Plains-Fanwood Board of Education is the welfare of the individual child. The schools must establish a climate healthy to the individual's growth and self-fulfillment. Every effort should be made to prevent alcohol, controlled dangerous substance and mood-altering substance abuse by every young person in the Scotch Plains-Fanwood Public Schools through a sound educational program and responsive staff. It is in the best interests of the individual child and the school district as a whole that procedures be established to enable the student to receive information and help.

Alcohol, Controlled Dangerous Substances and Mood-Altering Substances

The sale, purchase, transfer, use or possession of alcohol, controlled dangerous substances and mood-altering substances on school premises or at school-sponsored functions is prohibited and illegal.

This prohibition applies to all forms of alcohol, controlled dangerous substances and mood-altering substances whose sale, purchase, transfer, use or possession is prohibited by law. The only exception is the proper use and possession of prescribed drug/medication under the direction of a physician and in accordance with board policy.

The Board considers that any individual who uses or traffics in alcohol, controlled dangerous substances or mood-altering substances by sale, distribution, or other transfer, whether on or off school premises, constitutes a serious threat to the health and well-being of the student body. The Board considers it its duty to take all steps to see that relevant laws are upheld.

In instances involving alcohol, controlled dangerous substances and mood-altering substances, these regulations will take precedence over any discipline procedures.

The Board recognizes that alcohol, controlled dangerous substances and mood-altering substance abuse is a community-wide problem calling for the total, coordinated commitment of all the resources and agencies of our community and shall strive to foster a climate in the classroom and the school as a whole that will enable students to develop to the utmost their inner strengths and character and thereby reduce dependence upon external stimulants or depressants.

Sound and vigorous educational programs directed at the problems of alcohol, controlled dangerous substance and mood-altering substance abuse (prevention, detection and rehabilitation) are urgent companion measures. The Board shall involve professional staff, students, parents and local community organizations in such programs.

Also, the school system shall, within the framework of the law, work with parents, physicians and community agencies to provide necessary help to those students needing assistance as a result of their use of alcohol, controlled dangerous substances and mood-altering substances.

It is our professional responsibility to respond positively and sympathetically to students who are having health problems, especially those relating to substance abuse. While we cannot be in the business of therapy, we must be sensitive to the need to communicate accurately and forthrightly with all involved to follow substantive and procedural due process in all of our dealings with students and their families; and to help students and their families to secure necessary assistance.

Throughout any of the following, it is important for principals or their designees to keep accurate and detailed records on all incidents relating to suspect and/or actual alcohol, controlled dangerous substance and mood-altering substance abuse. Principals or their designees must keep the Superintendent apprised as events take place, with appropriate supporting documentation, staff members' reports, medical and agency reports, correspondence with parents, and the like.

Any student under the influence of drugs, alcohol, and/or anabolic steroids, or exhibiting symptoms of chemical use problems or involved in the sale or distribution of controlled dangerous substances and/or mood-altering substances shall be subject to the specific procedures, sanctions, disciplinary action(s) and due process provisions for violations of the drug and alcohol policy.

For the purpose of this policy, mood-altering chemical shall mean:

- Alcohol beverages;
- Any controlled dangerous substance, as identified in NJSA 24:21-2;
- Any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including, but not limited to, glue containing a solvent having property of releasing toxic vapors or fumes, as defined in NJSA 2A:170-25.9;
- Over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system;
- Anabolic steroid;
- All prescription drugs, not prescribed for that person, except those for which permission for use in school has been granted pursuant to board/policy;
- Synthetic/"Designer Drugs" (i.e., MDMA).

Student and/or parent refusal to cooperate with any and all phases of the substance abuse policy and procedures will lead to exclusion from school and shall be deemed a violation of the compulsory education (NJSA 18:38-25 and 18A: 38-31) and/or child neglect (NJSA 9:6-1 et seq.) laws.

All facts regarding any incident involving use, possession, sale, or intent to sell a mood-altering chemical will be confidential within statutory limitations, as set forth in 42CFR Part II.

Programs will be developed district-wide to provide services to students whose academic careers are being adversely affected. The purpose of these programs will be to address individual learning difficulties, behavioral problems, emotional well-being, and alcohol and drug issues. These programs include all building based intervention teams such as the Core Team and the Intervention & Referral Services (I&RS) Team. The membership of these teams shall include but not be limited to: the building principal/designee, regular education teacher, and a school staff member selected from one of the following professional titles: school counselor, learning disabilities teacher/consultant, school social worker, nurse, school psychologist, substance awareness coordinator and staff members who have direct educational responsibility for the student referred may be added as ad hoc members selected on an as-needed basis.

The function of the core team and/or the building-based intervention team is to develop educational/behavioral strategies and to provide crisis intervention, assessment, referral and/or short-term counseling.

The provision of these services adhere strictly to the Federal Confidentiality Guidelines as stated in 42CFR 2.12 © (3) in reference to substance abuse diagnosis, treatment, or referral for treatment. The building-based intervention teams will follow the procedure set forth in NJSA.18A:8-1, 18A: 4-15, 18A: 7A-5(E).

I. Procedures When Students Are Believed to be Under the Influence of Alcohol, Controlled Dangerous Substances and/or Mood-Altering Substances in School or During School-Sponsored Functions

A. The Teacher will:

- Report the matter as soon as possible to the school nurse, principal or designee. The nurse will implement the “Orange Pass Procedure” to assure orderly and tactful transfer of the student to the nurse’s office.
- Complete the Violence, Vandalism, and Substance Abuse Incident Form within 24 hours.

B. The School Nurse will:

- Upon student transfer to the nurse or principal, contact the Substance Awareness Coordinator.

- Assess the student's vital signs to ascertain if the student needs an immediate transport to a hospital.
- Provide the parent/guardian with a copy of this policy.
- Secure written parent consent on Medical Evaluation/Drug Screen Consent Form.
- Contact Principal if parent is not available. The Principal or designee will accompany the student to the nearest hospital emergency room for the medical examination.
- Contact parent/guardian as to which hospital their child has been taken.
- Upon receipt of report from examining physician (within 24 hours), contact the principal and Substance Awareness Coordinator.
- When reports are not received within 24 hours, re-admit student to school pending receipt of evaluation results with a note from examining physician stating "student is mentally and physically able to return to school." If the results of the medical examination are negative, the student shall be permitted to resume classes immediately and no legal action can be taken against any individual involved in the procedure. (NJSA 18A: 40A-13 and NJSA 18A: 40A-14).
- Notify the parent/guardian and the Superintendent of the need for an immediate medical examination, which includes a drug and alcohol screening. The medical examination may be performed by a physician selected by the parent/guardian. The parent/guardian may choose their private doctor or hospital (at the expense of the parent/guardian) or they may choose the school district's medical inspector (at the school district's expense) for the evaluation.
- Inform parent/guardian that this medical examination must take place within two hours of student's arrival in the nurse's office.
- Provide the student's parent/guardian with a copy of the district's Drug-Free School Zone Enforcement Code Guidelines for Alcohol, Controlled Dangerous Substance and Mood-Altering Substance Policy.
- Inform parent/guardian and/or student that refusal to cooperate with any and all phases of the substance abuse policy and procedures will lead to exclusion from school and shall be deemed a violation of the compulsory education and/or child neglect laws.

C. The Substance Awareness Coordinator will:

- Notify Superintendent, Principal or designee and Director of Special Services as to student's status.
- Upon receipt of a positive examination, contact Principal to initiate suspension from school.
- Contact parent advising them of procedures for a student's return to school; Drug and Alcohol Assessment conducted by appropriately trained and N.J. State Certified Board of Examiners personnel.

- Incorporate assessment findings and any other pertinent information to make a determination to take appropriate action in consultation with the Director of Special Services and principal/designee according to the following categories:
 1. Chemical Dependency: If it is determined that the student has developed a chemical dependency, the principal will require the student to be enrolled in a treatment program in cooperation with parents/guardian, physician, the Substance Awareness Coordinator and the chosen treatment facility.
 2. Chemical Abuser: If the examination indicates that the student does not have chemical dependency but finds that the student is a chemical abuser, the principal in consultation with the parent, physician, and the Substance Awareness Coordinator may require the student to participate in a chemical abuse support program such as: an early intervention program.
 3. Isolated Occurrence: If after the medical evaluation, the incident proves to be an isolated occurrence and no chemical dependency or abuse is detected, appropriate administrative or counselor action will follow.
 4. The determination and action will be communicated in writing by the Substance Awareness Coordinator to the parents with a copy to the Principal, Director of Special Services, the Supervisor of Counseling and the school counselor and the case manager of the Child Study Team when appropriate.
 5. The Substance Awareness Coordinator will supervise the student's involvement in the program determined.
 6. Failure to comply with the recommendation of the assessment and successful participation and completion of all phases of the chosen treatment program can result in the student not being allowed to return to the school and an alternative educational plan will be developed by the Director of Special Services, Substance Awareness Coordinator and the student's school counselor. Additionally, the student will not be permitted to participate in school functions, which include graduation. No diploma will be issued until all phases of treatment have been completed and the Substance Awareness Coordinator has received a written discharge letter from the treatment center.
 7. All records generated during this process described in paragraphs I-C-6 are to be kept confidential and separate from other school records in accordance to 42 CRF 2.1:NJAC 6A:16-3.2.

II. Student Suspected of Using Anabolic Steroids

When a student is suspected of using anabolic steroids, the following steps will be followed in the order listed.

1. The staff member who expresses concern will contact either the Principal or designee and complete the Core Team Behavioral Assessment Form (located in the Counseling Office) and submit the form to the Substance Awareness Coordinator, the school nurse or the student's school counselor.
2. The Substance Awareness Coordinator will notify the nurse, principal, Director of Special Services and the Superintendent of the suspicion.
3. The Principal or designee shall immediately notify the parent or guardian and arrange for a medical examination of the student under the same guidelines in Section I of these procedures.
4. A written report of that examination shall be furnished to the parents or guardian of the student, the nurse, the Substance Awareness Coordinator, the Principal and the Superintendent.
5. If the medical examination results are positive, the student shall be suspended from school in accordance with the Discipline Policy. The Substance Awareness Coordinator will confer with the student and his/her parents/guardian either by phone or in person before the student's return to school. Following or pending the student's return to school, and Drug and Alcohol Assessment by a person trained in alcohol, controlled dangerous substances and mood-altering substance abuse and certified by the N.J. State Board of Examiners will be required to determine the extent of the student's anabolic steroid use or dependency. Treatment will be determined based on the results of the Drug and Alcohol Assessment.

III. Voluntary Student Request for Assistance

Whenever a student voluntarily seeks help for alcohol, controlled dangerous substances or mood-altering substance abuse through a teaching or counseling staff member, the teaching or counseling staff member shall:

1. Reinforce the student's actions by expressing approval of a decision to seek help and indicate concern for the student.
2. Offer immediate aid to the student through the Substance Awareness Coordinator.
3. If the student is reluctant to go to the Substance Awareness Coordinator alone, the teaching or counseling staff member shall offer to go with the student and attend the initial conference.
4. If the student rejects these offers, the teaching or counseling staff member shall confer with the Substance Awareness Coordinator to determine further action.

IV. Procedure for Early Identification and Intervention

A. Broad Guidelines:

Generally, the most rational structure a school can adopt for responding to the misuse of alcohol, controlled dangerous substances or mood-altering substances involves the following dynamics:

1. Report the behavior that may relate to misuse of intoxicants.
2. Selectively refer students to the Core Team and/or I & RS Team.

B. Structure of the Identification:

The following steps are helpful in establishing a structure for identifying students with potential problems:

1. All professional staff is aware that when they encounter behavior that may indicate substance abuse, they should secure a Core Team Behavioral Assessment Form (located in the counseling offices) to record the observed behavior.
2. The Core Team Behavioral Assessment Form is given to the Substance Awareness Coordinator, who will then confer with the Core Team and/or I & RS Team. Each member of the Core Team and/or I & RS Team will seek additional data according to the responsibilities stated in their roles.
3. Based on the Core Team's evaluation of the data, if recommended, a drug/alcohol pre-assessment will be completed by the Substance Awareness Coordinator. If the drug/alcohol pre-assessment is not warranted, other school provided interventions would be recommended.
4. If the information obtained from the drug/alcohol pre-assessment indicates a trend of progressive misuse, the Substance Awareness Coordinator will notify the Director of Special Services and the principal. The Substance Awareness Coordinator and the student's school counselor will meet with the student's parent(s) or guardian(s), have them sign a release of information for the student and his/her family will be referred to an outside agency recommended by the State Department of Health for a chemical dependency diagnosis.
5. After the diagnosis of chemical dependency, the clinician will send a communication to the Substance Awareness Coordinator stating clearly whether or not the student is in need of treatment and if so, what type of treatment.
6. If it is determined that the student is in need of treatment, the principal will mandate participation and successful completion of the treatment program chosen by the parents as a condition to remaining in school. If the parents refuse to cooperate at this point, formal expulsion proceeding may be instituted. Additionally, the student will not be permitted to participate in school functions, which include graduation. No diplomas will be issued until treatment has been completed and the Substance Awareness Coordinator has received a written discharge letter.

V. Incidents involving the sale, purchase, transfer, or possession of alcohol, controlled dangerous substances and mood-altering substances on school property or at school functions are to be promptly reported to the police for their determination and appropriate actions.

A. The staff member will:

1. Report what was observed to be a sale, or purchase, transfer, or possession of alcohol or drugs on school property or at school functions immediately to the principal or designee.
2. Seize contraband possessed in the open by a student or items observed in plain view and deliver to the principal or designee immediately.

B. The Principal will make a judgment regarding reasonable suspicion that a student possesses contraband or evidence of activity in violation of the law. A search may be made considering the following:

1. The source of information. Is the informant reliable? An anonymous tip does not meet the standard. Is there additional substantiating evidence?
2. Has the student acted in a manner which would reasonably give rise to a suspicion of wrongdoing?
3. Is the contemplated search directly related to the alleged wrongdoing?
4. The student's age, history and school record.
5. The prevalence and seriousness of the problem in the school to which the search would be directed.
6. Would evidence be destroyed or removed if an immediate search was not conducted? Is there time to request parental permission?

C. If, after an investigation, it is determined that it is likely that the student was involved in a sale, purchase, transfer or possession of alcohol, controlled dangerous substance and mood-altering substance on school property or at a school function, for the purposes of sale or transfer, the principal shall:

1. Notify the student's parents of reasonable cause and of the disciplinary action taken by the school.
2. Provide the student's parents with a copy of these procedures and have them sign a release of information.
3. Require that the parents/guardian arrange immediately for a medical examination, a drug screening and a drug and alcohol assessment.
4. A written report of the examination and assessment will be provided within 24 hours to the principal and the Substance Awareness Coordinator. The report will provide the results of the drug screening and the recommendation for the student if some phase of treatment is required.

5. The Substance Awareness Coordinator will notify the Director of Special Services and the Superintendent.
6. The principal will notify the Scotch Plains Police and file a formal complaint and follow procedures set forth in the “Memorandum of Understanding Between Education and Law Enforcement Officials.”
7. Comply with the following procedure for handling evidence:
 - a. Evidence seized should be marked as follows: Name of person obtaining the evidence; date and time that possession was taken; name of student(s) involved, if know.
 - b. The seized evidence should be transferred to the sole custody and placed under the sole control of the principal until it is delivered to the police.
 - c. Evidence should be maintained in the same condition from the time of seizure until delivered to police.
 - d. Seized items shall be turned over to police immediately.
 - e. After the evidence is delivered to the police, the school incident report should note the name of the officer to whom the evidence was given as well as the date. A receipt will be required.
8. The principal under conditions will readmit the student to class relevant to the individual case. The determination and conditions will be communicated in writing to the parents, with a copy to the Superintendent, Director of Special Services and the Substance Awareness Coordinator. The Substance Awareness Coordinator shall work with the student in addressing his/her responsibilities as appropriate.
9. If warranted and appropriate, the Principal shall follow the pertinent procedures for Section I of this regulation, Student Believed to be Under the Influence of Alcohol, Controlled Dangerous Substances and Mood-Altering Substances.
10. All records generated during the process described are to be kept confidential and separate from other school records (42 CRF2.1:NJAC 6A:16-3.2).

VI. Search and Seizure

All students will be made aware through the Principal’s office that “Lockers are school property and therefore subject to search by school administration” at any time. Searches conducted of students’ possessions, lockers or vehicles must be warranted by “reasonable suspicion.” These searches shall follow the guidelines established for New Jersey Schools in the Administrative Code, but shall include the following guidelines:

- **“Reasonable Suspicion”** shall mean suspicion based on statements of concern by staff or students, and physical condition or behavior of a suspicious nature, which indicates possible substance use or possession.

- **Searches of a “cursory” nature may be conducted**, including visual inspection and request that students empty pockets, purses, backpacks and other belongings. Students refusing to cooperate in “searches” will have their parents/guardians contacted immediately to inform them of the student’s refusal to cooperate, stressing possible police involvement in the incident.

VII. Confidentiality for District Personnel and Students

Any staff member involved in any of the district’s Drug and Alcohol Programs relating to any phase of treatment will be protected by the Federal Confidentiality Rules and Regulations (42CFR Part 2).

Any student of the Scotch Plains-Fanwood School District will also be protected by the Federal Confidentiality Rules and Regulations (42CFR Part 2).

Any staff member who reports a student to the principal or designee in compliance with the provisions of this sub-section shall not be liable in civil damages as a result of making a report as specified in NJSA18A:40A-13 and NJSA 18A:40-A-14.

Use of physical force or restraint may be justified to quell a disturbance; to obtain possession of dangerous objects within control of the student; for self-defense; and for the protection of persons or property.

NJSA 18A:40-4.2 authorizes the dismissal of any action initiated against a teaching staff member taking reasonable steps to enforce NJSA 18A:40-4.1 which requires teaching staff members to report cases of students suspected of being under the influence of alcohol, controlled dangerous substances or mood-altering substance abuse.

VIII. Staff Development and Parent Awareness Programs

The Scotch Plains-Fanwood Substance Awareness Coordinator will work in conjunction with the Assistant Superintendent of Instruction and Curriculum to arrange for the implementation of this in-service training.

New staff will participate in in-service training provided by the Substance Awareness Coordinator relating to the District Policy and Procedures.

Parent/Guardian Substance Abuse/Awareness educational programs related to prevention and intervention will be offered periodically throughout the year. These programs will be held in schools or at various community locations and offered at convenient times.

IX. Curriculum and Instruction

An education curriculum, grades K-12, emphasizing primary prevention of alcohol, drug, and substance abuse shall be used, providing students with information and developmental exercises regarding chemical substances. A minimum of ten clock hours per school year of alcohol and other drug education, including tobacco and anabolic steroids, shall be provided in accordance with the Department of Education Chemical Health guidelines pursuant to **NJSA 10A 40A-1** in grades seven through twelve. Elementary schools shall incorporate into their curriculum at each grade level alcohol and other drug education including tobacco and anabolic steroids appropriate for student's age, maturity, and grade level in accordance with the Department of Education Chemical Health guidelines pursuant to **NJSA 18A: 40A-1**.

Special prevention programs shall be conducted beyond the classroom throughout each school year, which promote positive age-appropriate behavioral health practices.

X. Annual Review of the Policy and Procedures

The Board of Education shall annually review the effectiveness of its alcohol and other drug policies and procedures. The Board of Education shall solicit community input and shall consult with local agencies approved by the State Department of Health in this review process.

Alcohol and other drug policies and procedures for discipline, evaluation, intervention, and referral to treatment of students shall be made available annually to all school staff, students and parents or guardians via the student handbook.

If a parent or guardian is in disagreement with the application or implementation of any of the above school policies, he/she may request a meeting with the Superintendent of School, as per standard due process procedure.

Scotch Plains-Fanwood Public Schools

Legal References:

NJSA 2A: 62A-4 - Reports by education personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor-releasing chemicals; immunity from liability

NJSA 2A: 170-25.9 - Definitions

NJSA 2C: 33-15 - Possession or consumption of alcoholic beverage in public place or motor vehicle by person under legal age; penalty

NJSA 2C: 33-16 - Alcoholic beverages; bringing or possession on school property by person of legal age; penalty

NJSA 2C:33-17 - Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions

F.G. v. Bd. Of Ed. Of Hamilton, 1982 S.L.D.382

G.L.H. v. Bd. Of Hopewell Valley Regional School District, et. al. 1987 S.L.D. April 20, af f Id St. Bd. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983) Honig v. Doe 108 S. Ct. 592 (1988)

Cross References:

- 1330 Use of School Facilities and Grounds
- 4119.232 Drinking & Use of Drugs on School Premises
- 5114 Discipline, Suspension and Expulsion
- 5124 Student Progress Reports to Parents
- 5125 Student Records
- 5131 Harassment, Bullying, Intimidation
- 5131.7 Weapons
- 5141.3 Student physical examinations and immunizations
- 5141.21 Medication
- 5141.21-R Regulations for Administering Medications
- 6141.1 Alternative Educational Program
- 6141.1-R Alternative Educational Program – HS
- 6145-R Academic Standards for Elementary
- 6145.2 Regulations for Co-Curricular Activities
- 6145.2-R1 Emergency Medical Care at Interscholastic Athletic Activities
Regulation – Interscholastic Athletics
MS Regulation – Interscholastic Athletics Emergency Medical Care
of Students at Interscholastic Athletics Activities – HS
- 6146 Graduation
- 6146-R Regulations – Graduation Requirements
- 6146-R1 Graduation
- 6153 Field trips
- 6153-R Regulations – Field Trips & Excursions

Supersedes 5131.61-R, Drug-Free School Zone Enforcement Code, Guidelines for Alcohol/Controlled Dangerous Substance Abuse, dated July 23, 1992.