

## **SUBSTANCE ABUSE POLICY**

The West Milford Board of Education recognizes that for the safety, well being, health, and welfare of its students, a policy must be adopted, committing the school district to establish a procedure to aid students in seeking help to address chemical dependency/abuse problems. The Board of Education will comply with state mandates for a substance-free school by providing the best programs possible for enforcement, intervention, and prevention of substance abuse.

The Board of Education recognizes its responsibility to provide a quality learning environment where the health and welfare of staff and students are safeguarded. The Board of Education believes that the use of alcohol and other drugs by one student may endanger the safety and well being of all other students and staff. Also, the use of alcohol and other drugs can create an impediment to learning in which case the school system has a responsibility to provide channels for help and assistance to students whose health and educational goals may be in jeopardy.

The West Milford Township Public Schools will make every effort to prevent student involvement with alcohol and other drugs by providing age-appropriate education, programs, and supportive counseling. The Board of Education has employed a Substance Awareness Coordinator, appropriately certified by the New Jersey State Department of Education, who will be responsible for our district wide prevention programming in addition to working with students who are affected by the ramifications of substance abuse.

The Board of Education will make every effort to cooperate with local law enforcement activities in accordance with NJAC 6:3-6 (6:29-6.3 ( c ) 6) and outlined in the Memorandum of Agreement between the West Milford Board of Education, the West Milford Police Department, the Passaic County Prosecutor, and the Passaic County Superintendent of Schools.

The Substance Awareness Coordinator and other appropriate staff will offer educational programs for parents/guardians on a regular basis to educate and raise awareness about substance abuse.

These policies and procedures will be reviewed annually as per NJAC 6:29-6-4 (a) and also will be made available to all staff, students, and parents.

For the purposes of this policy, the following definitions shall apply:

Substance shall mean alcoholic beverages, controlled dangerous substances as defined in NJSA 24:21-2 or any chemical or chemical compound which releases vapors or fumes causing a condition of intoxication, inebriation, excitement, or any other brain or nervous system dysfunction including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes.

Steroids shall mean synthetic forms of the male hormone testosterone and other synthetic compounds whose chemical composition is similar to that of testosterone.

Evaluation shall mean those procedures used to determine a student's need for an educational program or treatment which extends beyond the regular school program by virtue of the use of alcohol and/or other drugs by the student or his/her family.

### I. Students voluntarily seeking help for alcohol and/or drug related problems

A. Students are encouraged to seek help for problems with or related to substance use. The Substance Awareness Coordinator, appropriately certified by the New Jersey State Department of Education, will provide direct assistance or confidential referral for students seeking help with substance abuse or any other problems related to their substance use or use by someone in a close relationship with them. Staff members shall encourage students to speak with the Substance Awareness Coordinator.

B. At the initial meeting with a student, the Substance Awareness Coordinator will provide full disclosure of the federal confidentiality laws and guidelines (42 CFR - Part 2). The Substance Awareness Coordinator will be allowed to maintain confidentiality of conversations with students meeting the following criteria:

1. The student's health is not in imminent danger.
2. The information does not indicate that the health or safety of another individual is threatened.

### II. Students Suspected of Being Under the Influence of Substance

For the purpose of this policy, "immediately" is defined as within two hours.

A. When a student is suspected of being under the influence or of having ingested any substances, the following steps will be taken in the order listed below:

1. Any staff member to whom it appears that a student may be under the influence of alcohol and/or other drugs on school property or at a school function shall report the matter as soon as possible to the building principal or his/her designee. The administrator will locate the student and escort him/her directly to the Nurse's Office.
2. The principal/designee shall immediately notify the parent/guardian and the chief school administrator and arrange for an immediate medical examination of the student by a doctor selected by the parent/guardian, or if such doctor is not immediately available, by the school medical inspector if he/she is available. If such doctor or medical inspector is not immediately available, the student shall be taken to the emergency room of the nearest hospital for examination accompanied by a member of the school staff and a parent/guardian of the student if available. If, at the request of the parent/guardian, the examination is conducted by a physician other than the school medical inspector, such examination shall not be at the expense of the Board of Education. Staff and/or parent/guardian shall remain with the student while awaiting the medical examination. Failure to comply immediately with the requirement to undergo a medical exam shall be considered a positive diagnosis.
3. A written report of said examination shall be furnished within 24 hours by the examining physician to the parent/guardian of the student, the Principal, and the Chief School Administrator. If the written report of the medical examination is not submitted within

24 hours, the student shall be allowed to return to school until such time as a positive diagnosis of alcohol/drug use is received.  
4. If there is a positive diagnosis from the medical examiner indicating the student was under the influence of alcohol/drugs, the student shall be subject to the following disciplinary action after an interview with the pupil or pupil and parent(s), by the principal, or his designated representative, prior to any suspension, to:

Make sure the pupil and/or pupil and parents know exactly why the pupil has been referred.

Convey to pupil (parties) the seriousness of his/her behavior

Afford the pupil (parties) the opportunity to present his/her side of the events in its entirety.

Record information pertinent to the case and make the pupil (parties) aware of the record to be kept on file.

Review with the pupil (parties) the reason for any suspension recommendation.

a. First Offense:

1. Suspend for five (5) days out-of-school or in-school based upon the evaluation of the building Principal.
2. Removal from extracurricular activities during suspension period.
3. Parental re-entry conference.
4. The West Milford Police Department will be notified, and a possible complaint will be signed upon the evaluation of the building principal.

b. Second Offense:

1. Suspend for ten (10) days out-of-school. Formal due process notice and hearing requirements are the prerequisites for any suspension 10 days or more in length.
2. Removal from extracurricular activities during suspension period.
3. Parental re-entry conference.
4. A complaint will be filed with the West Milford Police Department.

c. Third Offense:

1. Suspend out-of-school. Formal due process notice and hearing requirements are the prerequisites for any suspension 10 days or more in length. Reinstatement pending the outcome of a meeting with the appropriate Board of Education committee.
2. A complaint will be filed with the West Milford Police Department.

Action by the entire Board of Education may be necessary to continue or terminate the suspension.

5. Return to school is prohibited until a written report has been submitted to the parent/guardian, Principal, and chief school administrator from a physician who has examined the student to diagnose substance use and/or abuse. The report shall certify that the substance use and/or abuse no longer interferes with the student's physical and mental abilities to perform in school.

Refusal or failure by a parent to comply with the provision of NJSA 18A:40A-12 shall be deemed a violation of the compulsory education (NJSA 18A:38-25 and 18A:38-31) and/or child neglect (NJSA 9:6-1 et seq.) laws.

### III. Possession or Distribution of Alcohol and Other Drugs

A. When a student is found to be in possession of any quantity of illegal substances on school grounds or at a school activity, the West Milford Township Police Department shall be called to investigate.

B. When illegal substances are found, it shall be the responsibility of the police to complete their normal reporting procedures and any other legal actions such as complaints, depending on the quantity of the substances.

It shall also be the responsibility of the police to determine whether the quantity and/or circumstances will be considered "possession" or "distribution" in accordance with New Jersey law.

C. Students found in "possession" will be subjected to the following after an interview with the pupil or pupil and parent(s), by the Principal, or the Principal's designated representative, prior to any suspension, to:

Make sure the pupil and/or pupil and parents know exactly why the pupil has been referred.

Convey to the pupil (parties) the seriousness of his/her behavior.

Afford the pupil (parties) the opportunity to present his/her side of the event in its entirety.

Record information pertinent to the case and make the pupil (parties) aware of the record to be kept on file.

Review with the pupil (parties) the reason for any suspension recommendation.

1. First Offense:

- a. Suspend for five (5) days out-of-school or in-school based upon the evaluation of the building Principal.
- b. Removal from extracurricular activities during suspension period.
- c. Parental re-entry conference.
- d. A complaint will be filed with the West Milford Police Department.

2. Second Offense:

- a. Suspend for ten (10) days out-of-school. Formal due process notice and hearing requirements are the prerequisites for any suspension 10 days or more in length.

- b. Removal from extracurricular activities during suspension period.
- c. Parental re-entry conference.
- d. A complaint will be filed with the West Milford Police Department.
- 3. Third Offense:
  - a. Suspend out-of-school. Formal due process notice and hearing requirements are the prerequisites for any suspension 10 days or more in length.
  - b. Reinstatement pending the outcome of a meeting with the appropriate Board of Education committee.
  - c. A complaint will be filed with the West Milford Police Department.

Action by the entire Board of Education may be necessary to continue or terminate the suspension.

- D. The Board of Education maintains the right to conduct an expulsion hearing on any student found selling, possessing, or distributing illegal substances as outlined in this policy.
- E. Students charged with distribution or intent to distribute will be subject to the following in compliance with the due process standards of the Board of Education Policy on Suspension and Expulsion (File Code: 5114).
  - 1. Out-of-school suspension for ten (10) days and removal from extracurricular activities.
  - 2. Appear at an automatic expulsion hearing before the Board of Education to determine to what extent the student is a danger to himself/herself and/or to the school community.
  - 3. If reinstated, a monitoring program and monthly reports to the Board of Education shall be written and submitted by the Substance Awareness Coordinator.
- F. Second, any subsequent offenses shall result in an expulsion hearing before the Board of Education in compliance with the due process standards of the Board of Education Policy on Suspension and Expulsion (File Code: 5114).
- G. Any student who is suspended from school for violating Part II and/or Part III of this policy will additionally be required to meet with the Substance Awareness Coordinator. If deemed appropriate by the Substance Awareness Coordinator, an assessment for chemical dependency will be arranged by the parents/guardians and the student will sign a release of confidential information so that the school can receive the results of the assessment without breaking confidentiality.
- H. When the results of an assessment for chemical dependency indicate a need for treatment, the parents/guardians will make the necessary arrangements for such treatment. All expenses for treatment will be the responsibility of the parent/guardian. The Board of Education will pay for home instruction while a student is in an in-patient treatment program.
- I. In the event a parent/guardian and/or student refuses to seek treatment, the student will not be allowed to return to school. In such cases, the student will be required to appear at an expulsion hearing before the Board of Education. Additionally, a report of the alleged neglect will be filed with the Division of Youth and Family Services when the parents/guardians refuse to seek treatment for their child.
- J. The Substance Awareness Coordinator will monitor students enrolled in an approved out-patient or in-patient program. Students in an out-patient program may continue to attend school only as long as participation in the program can be documented. Students who return to school from an in-patient facility must be accompanied by a letter from the treatment facility stating that the treatment program was successfully completed and that they recommend the student return to school.

#### IV. Anabolic Steroids

- A. In instances involving anabolic steroids, the following shall apply:
  - 1. Whenever any teaching staff member, school nurse, or other educational personnel of any public school shall have reason to believe that a student has used or may be using anabolic steroids, that teaching staff member, school nurse, or other educational personnel shall report the matter as soon as possible to the school nurse, or medical inspector, as the case may be, or to the Substance Awareness Coordinator and to the Principal or, in his/her absence, to his/her designee.
  - 2. The Principal or his/her designee shall immediately notify the parent or guardian and the chief school administrator and shall arrange for an examination of the student by a physician selected by the parent/guardian or by the medical inspector. The student shall be examined as soon as possible for the purpose of diagnosing whether or not the student has been using anabolic steroids.
  - 3. A written report of that examination shall be furnished by the examining physician to the parent/guardian of the student and to the chief school administrator or administrative Principal.
  - 4. If it is determined that the student has been using anabolic steroids, the student shall be interviewed by the Substance Awareness Coordinator for the purpose of determining the extent of the student's involvement with these substances and possible need for treatment.
  - 5. If it is determined that the student's involvement with and use of these substances represents a danger to the student's health and well being, the Substance Awareness Coordinator shall refer the student to an appropriate treatment program which has been approved by the Commissioner of Health.

#### V. Search and Seizure

All students shall be notified at the beginning of the school year that "lockers are school property and, therefore, subject to search by school administration" at any time. These searches shall follow the guidelines established for New Jersey Schools in the Administration Code but shall include the following guidelines:

- A. "Reasonable suspicion" based on statements of concerns by staff members or students and observation of physical behavior or condition (by the principal or his/her designee) of a suspicious nature which indicated possible substance use or possession.
- B. Searches of a "cursory" nature as defined above may be conducted including a visual inspection and request that students empty pockets, purses, and other belongings.
- C. If a student refuses a search of a cursory nature, the student's parent/guardian will be notified and asked to come to the school. If the student and/or parent/guardian continues to refuse a search of a cursory nature, the West Milford Police Department will be contacted.

#### VI. Curriculum and Instruction

Every student attending the West Milford Township Public Schools will receive instruction in substance abuse education in

accordance with the guidelines and objectives established by the New Jersey Department of Education. The curriculum shall include instruction on alcohol and other drugs including tobacco and anabolic steroids. The curriculum will include activities and lessons designed for age appropriate subject areas in order to improve student knowledge about the risks of alcohol and other drugs including tobacco and anabolic steroids.

VII. Staff Members' Responsibilities

A. Staff members are required by law to report any student suspected of being under the influence of or having problems related to alcohol and other drugs through the district procedures. Staff members reporting students "in good faith" are immune from civil and criminal prosecution (NJSA 18A:40 4.2).

B. A standard reporting form, the Student Behavior Checklist, shall be used by all district staff members referring students in need of assessment.

(Replaces Previous Adoptions of August 18, 1987, and March 23, 1993).

First Reading: November 23, 1993

Adopted: December 14, 1993

Note: Substance Abuse Policy will be revised during the Summer of 2006.