

POLICY GUIDE

BAYONNE BOARD OF EDUCATION

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Substance Abuse

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5530 SUBSTANCE ABUSE

The Board of Education recognizes that a student's abuse of harmful substances seriously impedes that student's education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take the necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances. Accordingly, the Board will establish policies and procedures in operating programs to support the social, emotional, and physical development of students in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-4.1 et seq. The Board of Education will maintain a comprehensive substance abuse intervention, prevention, and treatment referral program in the schools of this district.

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

The definitions as outlined in N.J.S.A. 18A:40A et seq., N.J.A.C. 6A:16 et seq., and those terms defined in Regulation 5530 shall be used for the purposes of this Policy and Regulation.

2. Discipline
N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.1(c)2.; 6A:16-6.3(a)

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds according to N.J.S.A. 18A:40A-9, 10, and 11.

A student who uses, possesses, or distributes alcohol or other drugs will be subject to discipline in accordance with the district's Code of Student Conduct. School authorities also have the authority to impose a consequence on a student for conduct away from school grounds in accordance with the provisions of N.J.A.C. 6A:16-7.5. Discipline may include suspension or expulsion. The Board will establish consequences for a student not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.



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3. Instruction
N.J.S.A. 18A:40A-1 et seq.
N.J.A.C. 6A:16-3.1

The Board shall provide an instructional program on the nature of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances in accordance with the provisions of N.J.S.A. 18A:40A-1 et seq. and N.J.A.C. 6A:16-3.1.

A. Reporting, Notification, and Examination Procedures:

INTERVENTION FOR STUDENTS SUSPECTED OF BEING UNDER THE INFLUENCE OF ALCOHOL AND/OR OTHER DRUGS DURING SCHOOL HOURS AND/OR AT SCHOOL SPONSORED FUNCTIONS

1. Students will be identified as under the influence of drugs, and/or alcohol, or anabolic steroids via school personnel. The Building Administrator/Designee shall be notified immediately.
2. The referring staff member shall complete a Confidential Staff Referral to Nurse. This checklist should be placed in a sealed envelope and delivered to the Building Administrator/Designee.
3. Student will be escorted to the Nurse's office by Principal/VP and/or Security. School nurse will assess vitals to determine if cleared to proceed to the Student Center/SAC's Office to go over the school policy and procedure or if an ambulance is necessary for immediate transportation to the emergency room.
4. Any instances of being in possession, purchase, transfer, or sale of a controlled dangerous substance/alcohol/paraphernalia/counterfeit controlled substance shall require the Bayonne Police Department to be notified.
5. Building Administrator will make every attempt to reach the student's parent(s)/guardian(s) to inform of the situation and advise them of their options (not to ask for their permission). Parent(s)/guardian(s) can take the student to their own physician for a medical examination and drug screening, at their expense, or to the District Medical Inspector (Dr. Perveen's Office) or Emergency Room at the district's expense, must be done immediately (within two hours of notification). Parent/guardian must come to school for documents, including the Physician's Alcohol/Drug Use Assessment and Re-Entry Form. If the parent decides to have their physician conduct the examination, they must provide written documentation within 24 hours of the medical examination and the date by which the report was provided. All examinations shall include a medical examination, ten panel drug test, and potentially at the district's discretion, other tests including: extended opiate panel, K2 test, blood alcohol, breathalyzer test (levels must be the same as the school district-own physician). The physician, selected by the parent/guardian, must fax toxicology results and/or provide a physical copy of the results within 24 hours, to the Student Assistance Coordinator (SAC). If the parent(s)/guardian(s) is unavailable or decides not to accompany the student to the District Medical Inspector (Dr. Perveen's Office) or the Emergency Room, the Building Administrator/Designee shall



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assign a Board of Education employee (adult representative) to accompany the student to the Emergency Room. The student may return to school after his/her medical examination is complete, with documented medical clearance, pending toxicology results. If the student has a suspension, he/she must serve the suspension prior to returning to school.

6. Building Administrator/Designee will contact the District Medical Inspector (Dr. Perveen's Office): 534 Avenue E, Bayonne, NJ 07002, 201-858-7825, or other specified location in the future, for a medical examination/drug screening and any other requested tests. The caller should have the student's information ready. Each Building Administrator shall have a plan in place for the appropriate supervision of the student while waiting for the parent to take the student to the physician selected by the parent, or while the student is waiting for transportation to the District Medical Inspector (Dr. Perveen's Office) or the Emergency Room. A supervision plan shall be developed by the Building Administrator/Designee in consultation with the school Nurse.
7. Refusal or failure by a parent(s)/guardian(s) to comply with the provisions of N.J.S.A. 18A:40A-12 shall be treated as a violation of the Compulsory Education Act, pursuant to N.J.S.A. 18A:38-25 and 31, and child neglect laws, pursuant to N.J.S.A. 9:6-1 et seq. If the student in question is physically in the school or at a school function and suspected or under the influence, the school, as per state law, shall arrange for an immediate medical transportation, even if the parent directs that the student should not be sent for an examination, if the parent does not arrive within the two hour window. If the parent(s)/guardian(s) indicates they will personally transport the student to have the medical examination/drug screening performed and fails to do so, the Division of Child Protection and Permanency, DCP&P (formerly the Division of Youth and Family Services, DYFS), will be contacted for medical negligence. In addition, contact will be made to law enforcement by the Building Administrator/Designee. The student will also automatically be considered positive and will need to have a scheduled intake appointment (GIANT STEPS OR OTHER DRUG PROGRAM OF PARENT'S CHOICE) to undergo an assessment/evaluation prior to returning to school.
8. The Building Administrator/Designee will assign an adult representative or the parent(s)/guardian(s) to accompany the student for the immediate medical examination. Regardless of age, a student shall not be permitted to leave school grounds alone. The completed Physician's Alcohol/Drug Assessment & Re-entry Form shall be given to the student so that he/she may return to school. The student will be readmitted to school until such a positive diagnosis or other drug use and/or a positive confirmation of alcohol or drug possession is received, if the student has a suspension, he/she must serve the suspension prior to returning to school. The student is not to return to school until cleared by a physician. If the student is not cleared by a physician to return to school, and the parent is not with the student, arrangements must be made for the parent(s)/guardian(s) to escort the student home.



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9. The Student Assistance Coordinator will obtain the toxicology screening along with any additional reports and report to the Building Administrator/Designee. The Building Administrator/Designee will contact the parent(s)/guardian(s) and inform them of the results.
10. Receiving a positive diagnosis, admitting to being under the influence of drug/alcohol, failing to comply with testing procedures (refusal), adulterated/diluted/invalid tests/tampered specimen/abnormal temperature range will be considered as an automatic positive result and will require an immediate intake appointment for an assessment/evaluation by a licensed certified drug/alcohol counselor or facility/program (GIANT STEPS OR OTHER DRUG PROGRAM OF PARENT'S CHOICE) before returning to school. Possession or distributing of a Controlled Danger Substance/Alcohol/Paraphernalia/Counterfeit Controlled Substance will warrant for disciplinary consequences, contact to local law enforcement and a medical examination/drug screening. Also, see disciplinary consequences below. Any days absent waiting to schedule an assessment/evaluation appointment or not fulfilling the appointment will be counted as unexcused absences. Refusal by a student to comply with the above procedure shall result in unexcused absences from school until such time as the student and parent completes the assessment/evaluation, N.J.S.A. 18A:40A-12, N.J.A.C.6A:16-4.1(c)2 and will be treated as a positive result. Alternative educational services are to be arranged for the student by the Building Administrator.

B. Adulteration/Diluted/Invalid tests & Tampered specimens:

1. A refusal to test shall be deemed a positive offense, a violation of policy and report to DCP&P for medical negligence as well as an automatic 10 day suspension.
2. Tests that are adulterated, invalid, diluted, or tampered with will deem the specimen as a substituted sample, which will be considered refusal to test. This can include, but not limited to: urine temperature outside the acceptable range, inappropriate color or odor, a specimen appears tampered with, or the addition of any chemical or material, is deemed a refusal to test, a positive offense, and a violation of policy.
3. Switching, tampering with or adulterating any specimen or sample collected or assisting in an attempt to do so, is prohibited and deemed a positive offense, and a violation of policy.
4. When a urine test is out of the normal range for measures such as a specific gravity and creatine (with specific gravity measured as <1.001 and creatine measured as 2.0) resulting in a diluted, invalid, or adulterated result, shall be deemed a substituted test and thereby a refusal to test which is a positive offense and a violation of policy.
5. If a student admits to adulterating, diluting, or substituting a specimen, it is deemed a refusal to test, a positive offense, and a violation of policy.



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6. Failure to remain at the testing site and/or running away from the facility, prior to the completion of the testing process, is deemed a refusal to test and a positive offense. Student shall be referred to the Building Administrator for appropriate discipline. Student must have an appointment scheduled for an intake assessment/evaluation at GIANT STEPS or OTHER DRUG PROGRAM before returning to school upon completion of suspension.
7. Failure to undergo a medical examination/evaluation is deemed a refusal to test, a positive offense, and a violation of policy.
8. Failure to provide a urine specimen for a drug screen is deemed a refusal, positive offense, and a violation of policy.
9. Failure to provide an adequate amount of urine as a sample is deemed a refusal to test, a positive offense, and a violation of policy.
10. If any of steps 1-9 occur, the student does not receive another test.

C. Discipline:

The Board prohibits the use, possession, and/or distribution of alcohol or other drugs on school grounds according to N.J.S.A. 18A:40A-9, 10, and 11. A student who uses, possesses, or distributes alcohol or other drugs will be subject to discipline in accordance with the district's Code of Conduct. School authorities also have the authority to impose a consequence on a student for conduct away from school grounds in accordance with the provisions of N.J.A.C. 6A:16-7.5. Discipline may include suspension or expulsion. The Board may establish consequences for a student not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors.

ELEMENTARY LEVEL:

1. First Offense - 2 Days Out-of-School Suspension; Positive result – additional 8 days + Completion of ASPIRE drug course in order to return to school;
2. Second Offense - 2 Days Out-of-School Suspension; Positive result – additional 8 days + Completion of ASPIRE drug course and Referral to Drug Program at GIANT STEPS or OTHER OUTSIDE DRUG PROGRAM; and
3. Third Offense - 2 Days Out-of-School Suspension; Positive result – additional 8 days + Completion of ASPIRE drug course and Referral to Drug Program at GIANT STEPS or OTHER OUTSIDE DRUG PROGRAM; loss of extracurricular activities for the school year, Board review for potential in Bayonne Alternative High School or expulsion.

HIGH SCHOOL LEVEL:

1. First Offense - 2 Days Out-of-School Suspension; Positive result - 5 days In-School School Suspension (3-6PM) + Completion of ASPIRE drug course and Referral to Drug Program. If student does not attend in-school suspension, he/she will remain suspended until suspension is served and attendance is not excused an excused absence.



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2. **Second Offense - 4 Days Out-of-School Suspension; Positive results - 5 days In-School School Suspension (3-6PM) + Completion of ASPIRE drug course and Referral to Drug Program at GIANT STEPS or OTHER OUTSIDE DRUG PROGRAM. If student does not attend in-school suspension, he/she will remain suspended until suspension is served and attendance is not excused an excused absence; and**
 3. **Third Offense - 10 Days Out-of-School Suspension + Completion of ASPIRE drug course; Positive results - Referral to Drug Program at GIANT STEPS or OTHER OUTSIDE DRUG PROGRAM, loss of extracurricular activities for the school year, Board review for potential in Bayonne Alternative High School or expulsion. If student does not attend in-school suspension, he/she will remain suspended until suspension is served and attendance is not excused an excused absence.**
- D. **Intervention, Referral for Evaluation, and Referral for Treatment Services:**
1. **The provision of intervention, referral for evaluation, and referral for treatment services for students who are affected by alcohol or other drug use:**
 - a. **The intervention, referral for evaluation, and referral for treatment services shall be provided by an individual who holds the educational services certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners, or by an individual who holds one of the following educational services certificate endorsements: school nurse; school nurse/non- instructional; school psychologist; school counselor; school social worker; or student personnel services and is trained in alcohol and other drug abuse intervention, assessment, referral for evaluation, and referral for treatment skills.**
 - b. **The intervention, referral for evaluation, and referral for treatment services shall include one or more of the following:**
 - 1) **Provisions for a program of instruction, counseling, and related services provided by the district Board of Education while a student receives medical treatment for a diagnosed alcohol or other drug dependency problem;**
 - 2) **Referral to a community agency, as defined in N.J.A.C. 6A:16-4.1(b), out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or private practitioners authorized by the appropriate drug and alcohol licensing board;**
 - 3) **Provisions for support services for students who are in, or returning from, medical treatment for alcohol and other drug dependency; or**
 - 4) **A special class, course or educational program designed to meet the needs of students with alcohol or other drug use problems.**
- E. **Parent(s)/guardian(s) must accompany student upon returning to school with complete medical clearance form for a re-entry meeting with Building Administrator/Designee and SAC.**



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F. Reporting Students to Law Enforcement Agencies:

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of his or her employment, has reason to believe that a student has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia shall report the matter as soon as possible to the Principal or, in the absence of the Principal, to the staff member responsible at the time of the alleged violation.
2. Either the Principal or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
3. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the student involved.
4. The Superintendent or designee; however, shall not disclose the identity of a student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem, provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.
5. For the purpose of N.J.A.C. 6A:16-6.3, an admission by a student in response to questioning initiated by the Principal or teaching staff member, or following the discovery by the Principal or teaching staff member of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.
6. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or controlled dangerous substances, pursuant to N.J.A.C. 6A:16-4.3(a), or a student suspected to have used or who may be using anabolic steroids, pursuant to N.J.A.C. 6A:16-4.3(b), and who is referred for a medical examination, pursuant to N.J.A.C. 6A:16-4.3(a) or (b), as appropriate, for the purposes of providing appropriate health care for the student and for determining whether the student is under the influence of alcohol or other drugs or has been using anabolic steroids. The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
7. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test, pursuant to N.J.A.C. 6A:16-4.3(a)3i and N.J.A.C. 6A:16-4.3(b)3i and N.J.A.C. 6A:16-4.3(a)4, was obtained as a result of the district Board of Education's voluntary random drug testing policy, pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.



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G. Records and Confidentiality of Records:

1. Notations concerning a student's involvement with substances may be entered on his/her records, subject to N.J.A.C. 6A:32-7.1 et seq. and Policy 8330.
2. Information concerning a student's involvement in a school intervention or treatment program for alcohol or other drug abuse shall be kept strictly confidential according to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 and 7.2, and N.J.A.C. 6A:16-3.2.
3. If a student involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session which indicates the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
 - a. Subject to the student's written consent, to another person or entity whom the student specifies in writing in the case of a secondary student, or to a member of the student's immediate family or the appropriate school personnel in the case of an elementary student;
 - b. Pursuant to a court order;
 - c. To a person engaged in a bona fide research purpose; except that no names or other information identifying the student or the person with respect to whose substance abuse the information was provided, shall be made available to the researcher; or
 - d. To the Division of Child Protection and Permanency (DCP&P) or to a law enforcement agency, if the information would cause a person to reasonably suspect that the student or another child may be an abused or neglected child in accordance with statute or administrative code.
4. Any disclosure made pursuant to G.3.a. and b. above shall be limited to that information which is necessary to carry out the purpose of the disclosure, and the person or entity to whom the information is disclosed shall be prohibited from making any further disclosure of that information without the student's written consent. The disclosure must be accompanied by a written statement from the Superintendent or designee advising the recipient that the information is being disclosed from the records the confidentiality of which is protected by N.J.S.A. 18A:40A-7.1 et seq. and that this law prohibits any further disclosure of this information without the written consent of the person from whom the information originated.

Nothing in this Policy or Regulation prevents the DCP&P or a law enforcement agency from using or disclosing the information in the course of conducting an investigation or prosecution. Nothing in this Policy or Regulation shall be construed as authorizing the violation of any Federal law.



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The prohibition on the disclosure of information provided by a student shall apply whether the person to whom the information was provided believes that the person seeking the information already has it, has other means of obtaining it, is a law enforcement or other public official, has obtained a subpoena, or asserts any other justification for the disclosure of this information.

A person who discloses or willfully permits the disclosure of information provided by a student in violation of this Policy is subject to fines in accordance with N.J.S.A. 18A:40A-7.2.

Each incident of substance abuse shall be reported to the Commissioner on the SSDS.

H. Nonpublic School Students

N.J.S.A. 18A:40A-5; 18A:40A-17(c)

The Board has the power and duty to loan to students attending nonpublic schools located in this district and to the parents of such students all educational materials on the nature and effects of drugs, alcohol, anabolic steroids, tobacco, and controlled dangerous substances developed and made available by the Commissioner of Education. The Board shall not be required to expend funds for the loan of these materials.

I. Civil Immunity

N.J.S.A. 18A:40A-13; 18A:40A-14

N.J.A.C. 6A:16-4.3(c)

No action of any kind in any court of competent jurisdiction shall lie against any employee, officer, or agent of the Board because of actions taken under the education statutes on substance abuse, N.J.S.A. 18A:40A-1 et seq., provided the skill and care given is that ordinarily required and exercised by other such employees, officers, and agents of the Board in accordance with the provisions of N.J.S.A. 18A:40A-13.

Any educational or non-educational Board employee who in good faith reports a student to the Principal or designee in compliance with N.J.A.C. 6A:16-4.3 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.



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J. Reporting Students to Law Enforcement Authorities
N.J.A.C. 6A:16-4.1; 6A:16-6.3

The Superintendent, or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of a controlled dangerous substance, including anabolic steroids, or related paraphernalia or involved or implicated in distribution activities regarding controlled dangerous substances, including anabolic steroids pursuant to N.J.A.C. 6A:16-4.1(c)9. The Superintendent or designee shall not disclose the identity of the student who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or other drug abuse problem provided the student is not reasonably believed to be involved or implicated in drug-distribution activities.

The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol and/or other drugs, pursuant to N.J.A.C. 6A:16-4.1(c)9.i. Law enforcement authorities shall not be notified of the findings if a student's alcohol or other drug test was obtained as a result of a district's voluntary random drug testing program pursuant to N.J.S.A. 18A:40A-22 et seq. and N.J.A.C. 6A:16-4.4.

K. Policy Review and Accessibility
N.J.S.A. 18A:40A-10; 18A:40A-11
N.J.A.C. 6A:16-4.2(a) and (b)

The Board will annually review the effectiveness of Policy and Regulation 5530 on student alcohol and drug abuse. The Board may solicit parent, student, and community input, as well as consult in the review process with local alcohol or other drug abuse prevention, intervention, and treatment agencies licensed by the New Jersey Department of Human Services.

This Policy and Regulation shall be annually disseminated to all school staff, students, and parents through the district website or other means.

N.J.S.A. 18A:40A-1 et seq.; 18A:40A-7.1 et seq.
N.J.A.C. 6A:16-1.1 et seq.; 6A:16-4.1 et seq.; 6A:16-6.1 et seq.

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