

R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy 5530, Substance Abuse.

A. Definitions

1. “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.
2. “Other drugs” mean substances as defined in N.J.S.A. 18A:40-A9 and substances as defined in N.J.A.C. 6:16-4.1(a).
3. “Parent/legal guardian” means the natural parent/legal guardian(s) or adoptive parent/legal guardian(s), foster parent/legal guardian(s) or parent/legal guardian surrogate(s) of a student. Where parent/legal guardians are separated or divorced, “parent/legal guardian” means the person or agency who has legal custody of the student, as well as the natural or adoptive parent/legal guardian(s) of the student, provided such parent/legal guardian rights have not been terminated by a court of appropriate jurisdiction.
4. “Referral for evaluation” means programs and services mandated 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.
5. “Referral for treatment” means programs and services provided to a student or to his or her family to help implement the recommendations resulting from a mandated 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.]



6. “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 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.
7. “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.
8. “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.
9. “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.



REGULATION

RIDGEWOOD BOARD OF EDUCATION

STUDENTS
R 5530/page 3 of 19
Substance Abuse

B. Discipline

1. Any violation of Board rules prohibiting the use, possession and/or distribution of a substance is a serious offense, and the student who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. Students who violate the substance abuse rules will be disciplined as follows:

Offense	Penalty
Possession of drug paraphernalia, not containing any drugs, alcohol or steroids identified in <u>N.J.A.C. 6:29-6.3(a)</u>	First offense a. Parent/legal guardians notified. b. Referral to Crisis Intervention Counselor (CIC) Second Offense a. Parent/legal guardians notified. b. Referral to district contracted agency for substance abuse assessment and recommended action plan. c. Up to a ten-day suspension.



REGULATION

RIDGEWOOD BOARD OF EDUCATION

STUDENTS
R 5530/page 4 of 19
Substance Abuse

<p>Possession of drugs, alcohol, or steroids identified in <u>N.J.A.C. 6:29-6.3(a)</u></p>	<p>First Offense</p> <ul style="list-style-type: none">a. Police informed and appropriate action taken.b. Parent/legal guardians notified.c. Referral to the district contracted agency for evaluation and recommended action plan.d. Up to 30-day suspension, ten of which may be imposed without Board action, remainder of penalty after Board hearing.e. Parent/legal guardians may be requested to agree to random drug testing for the duration of the student's enrollment in the district. If parent/legal guardians agree to testing, the number of days of suspension will be determined by the Superintendent may be reduced. <p>Second Offense</p> <p>a, b, c, d above, and an expulsion hearing before the Board.</p>
--	--



<p>Under the influence of drugs, alcohol, or steroids identified in <u>N.J.A.C. 6:29-6.3(a)</u></p>	<p>First Offense</p> <ul style="list-style-type: none">a. Police notified.b. Parent/legal guardians notified.c. Immediate medical examination as per Policy 5530.d. Up to a 30-day suspension, upon verification of positive diagnosis of drugs, alcohol, or steroids use, ten days of which may be imposed without Board action; remainder of penalty may be imposed after Board hearing.e. Re-entry to school<ul style="list-style-type: none">1. Medical statement substantiating student’s state of well-being is required before re-entry after positive diagnosis of chemical use.2. Parent/legal guardians may be requested to agree to have student subjected to voluntary, random drug testing for the duration of the student’s enrollment in the district. If parent/legal guardians agree to the testing, the number of days determined by the Superintendent may be reduced.3. Referral to district contracted agency for assessment and treatment plan and agreement to follow through with recommendations resulting from assessment and treatment plan. <p>Second Offense</p> <p>a, b, c, d above and an expulsion hearing before the Board.</p>
---	--



<p>Students suspected of being under the influence of drugs, alcohol, or steroids identified in <u>N.J.A.C. 6:29-6.3(a)</u></p>	<p>First Offense</p> <ol style="list-style-type: none">a. Police notified.b. Parent/legal guardians notified.c. Immediate medical examination as per Policy 5530.d. Re-entry to school <ol style="list-style-type: none">1. Medical statement substantiating student’s state of well-being is required before re-entry after positive diagnosis of chemical use.2. Parent/legal guardians may be requested to agree to have student subjected to voluntary, random drug testing for the duration of the student’s enrollment in the district. If parent/legal guardians agree to the testing, the number of days determined by the Superintendent may be reduced.3. Referral to district contracted agency for assessment and treatment plan and agreement to follow through with recommendations resulting from assessment and treatment plan. <p>Second Offense</p> <p>a, b, c, d above and an expulsion hearing before the Board.</p>
---	---



<p>Distribution, transferring, or selling drugs, or steroids</p>	<p>a. Police notified. b. Parent/legal guardian/guardians notified. c. Immediate medical examination d. Minimum ten-day suspension pending expulsion hearing before Board of Education. e. Re-entry to school</p> <p>1. Medical statement substantiating student's state of well-being is required before re-entry after positive diagnosis of chemical use.</p> <p>2. Parent/legal guardians may be requested to agree to have student subjected to voluntary, random drug testing for the duration of the student's enrollment in the district. If parent/legal guardians agree to the testing, the number of days determined by the Superintendent may be reduced.</p> <p>3. Referral to district contracted agency for assessment and treatment plan and agreement to follow through with recommendations resulting from assessment and treatment plan.</p> <p>Second Offense</p> <p>a, b, c, d above and an expulsion hearing before the Board.</p>
--	--

Penalties for students with educational disabilities will be assessed in accordance with N.J.A.C. 6:28-2.8.

C. Intervention, Referral for Evaluation, and Referral for Treatment

1. The provision of intervention, referral for evaluation, and referral for treatment of 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: Crisis Intervention Counselor, 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 counseling program designed to meet the needs of students with alcohol or other drug use problems.

D. Reporting, Notification, and Examination Procedures

1. Students Suspected of Using Anabolic Steroids – N.J.A.C. 6A:16-4.3(b)

- a. Whenever teaching staff member, certified or non-certified school nurse or other educational personnel has reason to believe that a student has used or may be using anabolic steroids, the person shall report the matter as soon as possible to the Principal or, in the Principal's absence, to a person designated by the



Principal and either the certified or non-certified school nurse, the school physician or the student assistance coordinator.

- b. In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement, the Principal or designee shall immediately notify the student's parent/legal guardian and the Superintendent. The Principal or designee shall arrange for an examination of the student by a physician licensed to practice medicine or osteopathy selected by the parent/legal guardian.
 - (1) If the physician chosen by the parent/legal guardian is not available to perform the examination, the examination shall be conducted by the school physician or other physician identified by the Principal.
 - (2) The student shall be examined as soon as possible for the purpose of determining whether the student has been using anabolic steroids.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to have used or who may be using anabolic steroids.
 - (1) The Superintendent or designee shall disclose to law enforcement authorities the identity of a student reasonably believed to be in possession of anabolic steroids or related paraphernalia or a student reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
- d. The examining physician shall provide to the parent/legal guardian, Principal, and Superintendent a written report of the examination.
- e. If it is determined that the student has used anabolic steroids, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or 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 to assess alcohol and other drug abuse shall interview the student and others, as necessary, for the purpose of determining the extent of the student's involvement with and use of anabolic steroids and the possible need for referral for treatment.
 - (1) To make this determination, the school staff member(s) identified above may conduct a reasonable investigation, which may include interviews



with the student's teachers and parent/legal guardians and consultation with experts in student alcohol or other drug abuse, as may be appropriate and necessary.

- f. If the results of a referral for evaluation positively determined the student's involvement with and use of anabolic steroids represents a danger to the student's health and well-being, the school staff member(s) identified in D.1.e. above who is trained to assess alcohol and other drug abuse shall initiate a referral for treatment to appropriate community agencies as defined in N.J.A.C. 6A:16-4.1(b), to out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services, or to private practitioners certified by appropriate drug and alcohol licensing board.
2. 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 the crisis intervention counselor 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 crisis intervention counselor 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 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/legal guardian 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.
- c. The Superintendent or designee may disclose to law enforcement authorities the identity of a student suspected to be under the influence of alcohol or other drugs.
- (1) 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.
- d. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy who is selected by the parent/legal guardian.
- (1) The parent/legal guardian will be provided, in writing, the minimum requirements for the immediate medical examination, which will include, but not be limited to, the substances to be tested by the physician, the cut-off levels of each substance to be tested, the time period the immediate medical examination must be conducted, and any other requirements of the examination.
 - (2) The examination shall be at the expense of the parent/legal guardian and not the district Board of Education.
- e. If the physician chosen by the parent/legal guardian is not immediately available, the medical examination shall be conducted by the school physician.
- (1) If the school physician is not immediately available, the student shall be accompanied by a member of the school staff designated by the Principal to the emergency room of the nearest hospital for examination.
 - (2) The student's parent/legal guardian, if available, shall also accompany the student.



- (3) When the medical examination is conducted by the school physician or a physician at the emergency room of the nearest hospital, the examination shall be at the expense of the district Board of Education.
- f. The Board of Education will have a plan in place for the appropriate supervision of the student:
 - (1) While waiting for a parent/legal guardian to take the student to the physician selected by the parent/legal guardian, or while the student is waiting for and receiving the medical examination by the school physician or the physician in an emergency room; and
 - (2) Provisions will be made for the appropriate care of the student while awaiting the results of the medical examination.
- g. A written report of the medical examination of the student shall be furnished to the student's parent/legal guardian, the Principal, and the Superintendent of Schools by the examining physician within twenty-four hours or upon return to school of the referral of the student for suspected alcohol or other drug use.
 - (1) The school district, in cooperation with the school physician or medical professionals' licenses to practice medicine or osteopathy, shall establish minimum requirements for the medical report. The minimum requirements for the examination will be periodically reviewed and updated as needed.
 - (2) The report's findings shall verify whether the student's alcohol or other drug use interferes with his or her physical and mental ability to perform in school.
- h. When the medical examination is performed by a physician other than the school physician or at the emergency room of the nearest hospital, the school district will require the parent/legal guardian to verify within twenty-four hours of the notification that the student is suspected of alcohol or other drug use that the medical examination was performed in compliance with this Policy.
 - (1) The verification shall include, at a minimum, the signature, printed name, address, and phone number of the examining physician, the date and time of the medical examination, and the date by which the report required in this Policy will be provided.



- (2) Refusal or failure by a parent/legal guardian to comply with this requirement shall be treated as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.3(d).
- i. If the written report of the examination is not submitted to the parent/legal guardian, Principal, and Superintendent within twenty-four hours of the referral of the student for suspected alcohol or other drug use, the student shall be allowed to return to school until such time as a positive determination of alcohol or other drug use is received from the examining physician, unless the student was also removed for violating the Code of Student Conduct.
- j. If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the student's physical and mental ability to perform in school, the student will be immediately returned to school.
- k. If there is a positive determination from the medical examination, indicating the student's alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
- (1) The student will be returned as soon as possible to the care of the parent/legal guardian;
- (2) Attendance at school shall not resume until a written report has been submitted to the parent/legal guardian, the Principal, and Superintendent from a physician licensed to practice medicine or osteopathy who has examined the student to determine whether alcohol or other drug use interferes with his or her physical or mental ability to perform in school.
- (a) The report shall verify that the student's alcohol or other drug use no longer interferes with the student's physical and mental ability to perform in school.
- (3) Removal of a student with a disability shall be made in accordance with N.J.A.C. 6A:14.



1. While the student is home because of the medical examination or after the student returns to school, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or 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 pupil personnel services and is trained to assess alcohol and other drug abuse shall:
 - (1) Conduct an alcohol and other drug assessment of the student and a reasonable investigation of the situation, which may include interviews with the student's teachers and parent/legal guardians and consultation with experts in student alcohol or other drug abuse for the purpose of making a preliminary determination of the student's need for educational programs, supportive services, or treatment that extends beyond the general school program by virtue of the student's use of alcohol or other drugs.
 - (a) The findings of the assessment alone shall not prevent a student from attending school; and
 - (2) Cooperate with community agencies as defined in N.J.A.C. 6A:16-4.1(b) and juvenile justice officials in providing evaluation, referral and continuity of care for alcohol or other drug abuse treatment.
- m. While the student is at home because of the medical examination or after his or her returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the student or evaluation by appropriately certified or licensed professionals to make a positive determination of a student's need for programs and services that extend beyond the general school program, as necessary.
 - (1) The findings of these additional evaluations alone shall not be used to prevent a student from attending school.
- n. If at any time it is determined that the student's use of alcohol or other drugs presents a danger to the student's health and well-being, an individual who holds the Educational Services Certificate with the student assistance coordinator endorsement issued by the New Jersey State Board of Examiners or 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 pupil personnel services and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for alcohol or other drug abuse treatment.

E. Handling of Alcohol or Other Drugs

1. A student's person, effects, or school storage places may be searched for substances in accordance with Board Policy and applicable laws regarding searches in schools.
2. A school employee who seizes or discovers a substance, or an item believed to be a substance or drug paraphernalia, shall immediately notify and turn it over to the Principal or designee.
 - a. The Principal or designee shall immediately notify the Superintendent or designee who in turn shall notify the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information.
 - b. In accordance with the provisions of N.J.A.C. 6A:16-6.4(a), the school employee, Principal or designee shall safeguard the alcohol, other drug, or paraphernalia against further destruction and shall secure the alcohol, other drug, or paraphernalia until it can be turned over to the County Prosecutor or designee.
 - c. The Principal or designee shall provide to the County Prosecutor or designee all information concerning the manner in which the alcohol, other drug, or paraphernalia was discovered or seized, including:
 - (1) The identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure; and
 - (2) The identity of the student believed to have been in possession of the paraphernalia.
 - d. The Principal or designee shall not disclose the identity of a student who voluntarily on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is no reason to believe the student was involved with the alcohol, other drug, or paraphernalia for the purpose of personal use and not distribution activities, and further provided the student agrees to participate in an appropriate treatment or counseling program.



- (1) For the purposes of N.J.A.C. 6A:16-6.4, 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.

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 identify 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 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.S.A. 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.

G. Parent/legal guardian Training Program/Outreach Programs

1. A substance abuse training program will be offered to the parent/legal guardians of students enrolled in the district. The program will be offered at times and places convenient to parent/legal guardians and on school premises or at suitable facilities.
2. The program, shall at a minimum, provide:
 - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parent/legal guardians during the school year, with recommendations as to the ways in which the parent/legal guardian may enhance, reinforce, and supplement that program;
 - b. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
 - c. Instruction to assist the parent/legal guardian in the identification of the symptoms and behavioral patterns that might indicate a child may be involved in substance abuse;
 - d. Information on the State, local, and community organizations which are available for the prevention, early intervention, treatment, and rehabilitation of individuals who show symptoms of substance abuse; and
 - e. A review of the Board Policy and Regulations on substance abuse with attention to the role of parent/legal guardians.



3. The Board will establish an outreach program to provide substance abuse education for the parent/legal guardians of students in the district. In establishing the program, the Board shall consult with such local organizations and agencies as are recommended by the Commissioner. The Board shall insure the program is offered at times and places convenient to the parent/legal guardians of the district on school premises, or at other suitable facilities.
 - a. In addition to the substance abuse education program required pursuant to N.J.S.A. 18A:40A-17, the Board shall provide assistance to parent/legal guardians who believe that their child may be involved in substance abuse.

H. 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 or other person residing in the student's household is dependent upon or illegally using a 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.

Any disclosure made pursuant to H3a. 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.

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.

4. Each incident of substance abuse shall be reported to the Commissioner on the Electronic Violence and Vandalism Reporting System (EVVRS).

Issued: 7 December 2009

Revised: 9 February 2015

Revised: 1 April 2019

