

# REGULATION GUIDE

PUPILS  
R 5530/page 1 of 23  
Substance Abuse  
Sep 14  
M

[See POLICY ALERT Nos. 125, 133, 144, 145, 157, 173, 179 and 204]

## R 5530 SUBSTANCE ABUSE

The following procedures are established in implementation of Policy No. 5530, Substance Abuse.

### A. Definitions

1. “Evaluation” means ~~those~~ procedures used by a certified or licensed professional to make a positive determination of a **student’s pupil’s** need for programs and services which extend beyond the general school program by virtue of learning, behavior, or health difficulties of the **student pupil** or the **student’s pupil’s** family.
2. ~~“Intervention” means those programs, services and actions taken to identify and offer help to a pupil at risk for learning, behavior or health difficulties.~~
2. **“Other drugs” mean substances as defined in N.J.S.A. 18A:40A-9 and substances as defined in N.J.A.C. 6A:16-4.1(a).**
34. “Parent” means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a **student pupil**. When parents are separated or divorced, “parent” means the person or agency who has legal custody of the **student pupil**, as well as the natural or adoptive parent(s) of the **student pupil**, provided such parental rights have not been terminated by a court of appropriate jurisdiction.
43. “Referral for evaluation” means ~~those~~ programs and services **suggested** ~~offered~~ to a **student pupil** or his or her family in order to make a positive determination regarding a **student’s pupil’s** need for services **that which** extend beyond the general school program.



# REGULATION GUIDE

PUPILS  
R 5530/page 2 of 23  
Substance Abuse

5. **“Referral for treatment” means programs and services suggested to a student or to his or her family to help implement the recommendations resulting from an evaluation, pursuant to N.J.A.C. 6A:16-1.3 and 4.1(c)5 and 6; in response to a positive alcohol or other drug test result, pursuant to N.J.A.C. 6A:16-4.4; or in response to the family’s request for assistance with a learning, behavior, or health difficulty, pursuant to N.J.A.C. 6A:16-4.1(c)7 and 8.**
  
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 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.**
  
75. **“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~~ ~~which~~ are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system.**



# REGULATION GUIDE

PUPILS  
R 5530/page 3 of 23  
Substance Abuse

86. “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.

97. “Under the influence” of substances means that the **student pupil** is observed in the use of a substance or exhibits physical and/or behavioral characteristics that indicate the immediate use of a substance.

## 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 pupil** who violates a substance abuse rule will be disciplined accordingly. Repeated violations are more severe offenses and warrant stricter disciplinary measures. **Students Pupils** who violate the substance abuse rules will be disciplined as follows:

a. First offense:

---

---

b. Second offense:

---

---

c. Third offense:

---

---

2. In accordance with N.J.A.C. 6A:16-4.1(c), the following disciplinary action will be taken in the event the **student pupil** does not follow through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors:



# REGULATION GUIDE

PUPILS  
R 5530/page 4 of 23  
Substance Abuse

a. First offense:

---

---

b. Second offense:

---

---

c. Third offense:

---

---

**C. Intervention, Referral for Evaluation, and Referral for Treatment Services** ~~Identification and Remediation of Pupils Involved with Substances~~

- ~~1. Teaching staff members shall be alert to the signs of a pupil's involvement with substances, in accordance with the training offered in in-service training sessions.~~
- ~~2. A teaching staff member who suspects that a pupil is involved with substances, but not under the influence of them, should refer the pupil to the School Nurse, the Substance Awareness Coordinator, a Guidance Counselor, the Child Study Team member, or another professional staff member or trained resource person, as appropriate. The staff member shall notify the Principal of the referral; if appropriate, the Principal should notify the pupil's parent(s) or legal guardian(s) of the referral and discuss with the parent(s) or legal guardian(s) the possibility of medical or therapeutic treatment.~~
- ~~3. When a pupil involved with substances has discussed his/her involvement with a teaching staff member with an expectation of confidentiality, the staff member may respect that confidence. The teaching staff member should encourage the pupil to seek aid from a professional trained in counseling and to confide in his/her parent(s) or legal guardian(s). When the staff member believes that the pupil requires professional counseling or intervention that the pupil will not seek on his/her own, the staff member may report the pupil to the Principal, who shall determine whether to notify the pupil's parent(s) or legal guardian(s) and may report the pupil to an appropriate district professional or trained resource person or to an appropriate agency for evaluation and possible treatment.~~



# REGULATION GUIDE

PUPILS  
R 5530/page 5 of 23  
Substance Abuse

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.**



# REGULATION GUIDE

PUPILS  
R 5530/page 6 of 23  
Substance Abuse

D. **Reporting, Notification, and Examination Procedures** ~~Reporting and Examination of Pupils Under the Influence of Anabolic Steroids~~

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

a1. Whenever ~~a any~~ teaching staff member, certified or non-certified **school** nurse, or other educational personnel **has** ~~have~~ reason to believe that a **student** ~~pupil~~ has used or may be using anabolic steroids, ~~the that~~ person **shall** ~~must~~ 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, ~~or~~ the school physician, or the ~~Substance Awareness Coordinator~~ **student assistance coordinator**.

b2. **In response to a report of suspected anabolic steroid use, including instances when a report is made to law enforcement,** ~~tThe~~ Principal or designee, ~~in response to every report,~~ shall immediately notify the **student's** ~~pupil's~~ parent(s) or legal guardian(s) 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.**

~~(1)3.~~ ~~The Principal shall arrange for the immediate examination of the pupil by a physician licensed to practice medicine or osteopathy selected by the parent(s) or legal guardian(s).~~ If the physician **chosen** ~~selected~~ by the parent is not available to perform the examination, the examination ~~will~~ **shall** be conducted by the school physician or **other** ~~another~~ physician identified by the Principal. ~~An examination conducted, at parental request, by a physician other than the school physician or another physician identified by the Principal shall not be at the district's expense.~~



# REGULATION GUIDE

PUPILS  
R 5530/page 7 of 23  
Substance Abuse

- (2)4. The **student pupil** shall be examined as soon as possible for the purpose of determining whether the **student pupil** has been using anabolic steroids.
- c5. The Superintendent or designee may, ~~but need not,~~ disclose to law enforcement authorities the identity of a **student pupil** suspected ~~or to~~ have used or ~~who may to~~ be using anabolic steroids.
- (1) The Superintendent **or designee** shall disclose to law enforcement authorities the identity of a **student pupil** reasonably believed to be in possession of anabolic steroids or related paraphernalia or a **student pupil** reasonably believed to be involved or implicated in distribution activities involving anabolic steroids.
- d6. **The examining physician shall provide to the parent, Principal, and Superintendent a written report of the examination** ~~A written report of the examination of the pupil shall be furnished by the examining physician to the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent.~~
- e7. If it is determined ~~that~~ the **student pupil** has used anabolic steroids, an individual who holds the Educational Services Certificate with the ~~substance awareness coordinator~~ **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:** ~~either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services endorsement on the Educational Services Certificate~~ and is trained to assess alcohol and other drug abuse shall interview the **student pupil** and others, as necessary, for the purpose of determining the extent of the **student's pupil's** involvement with and use of anabolic steroids and the possible need for referral for treatment.



# REGULATION GUIDE

PUPILS  
R 5530/page 8 of 23  
Substance Abuse

(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 pupil's** teachers and parents and consultation with experts in **student pupil** alcohol or other drug abuse, ~~as may be appropriate and necessary.~~

f8. If ~~the~~ results of a referral for evaluation ~~have~~ positively determined ~~that~~ the **student's pupil's involvement with and** use of anabolic steroids represents a danger to the **student's pupil's** health and well-being, the school staff member(s) identified in **D.1.e. 7.** 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 ~~the~~ appropriate drug and alcohol licensing board.

## ~~E. Evaluation and Treatment of Pupils Under the Influence of a Substance Other Than Anabolic Steroids~~

### 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)**

a1. Any educational staff member or other professional to whom it appears that a **student pupil** may be currently under the influence of alcohol or other drugs on school grounds, ~~including on a school bus or at a school-sponsored function,~~ 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, the school physician, or ~~the substance awareness coordinator~~ **student assistance coordinator**, pursuant to N.J.S.A. 18A:40A-12. ~~In the absence of the Principal, his or her designee shall be notified.~~





# REGULATION GUIDE

PUPILS  
R 5530/page 9 of 23  
Substance Abuse

- (1) In instances where the Principal and either the certified school nurse, non-certified school nurse, ~~the school physician or the substance awareness coordinator~~ **student assistance coordinator** are not in attendance, the staff member responsible for the school function shall be immediately notified.
  - (2) The referring staff member shall **file with the Principal a report describing the incident. The form shall include all information necessary for a complete, accurate reporting on the Electronic the Violence, and Vandalism Reporting System (EVVRS) and Substance Abuse Incident Report,** according to N.J.S.A. 18A:17-46 and N.J.A.C. 6A:16-5.3.
- b2. **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, t**The Principal or designee, ~~in response to every report,~~ shall:
- (1) ~~I~~Immediately notify the ~~student's pupil's~~ parent(s) ~~or legal guardian(s)~~ and the Superintendent ~~and/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.**



# REGULATION GUIDE

PUPILS  
R 5530/page 10 of 23  
Substance Abuse

- ~~c3.~~ The Superintendent or designee may, ~~but need not,~~ disclose to law enforcement authorities the identity of a **student pupil** 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 pupil** reasonably believed to be in possession of a controlled dangerous substance or related paraphernalia or a **student pupil** reasonably believed to be involved or implicated in distribution activities regarding controlled dangerous substances.
- ~~d4.~~ The Principal or designee, in response to every report must arrange for an immediate medical examination of the pupil for the purposes of providing appropriate health care for the pupil and for determining whether the pupil is under the influence of alcohol, or other drugs, other than anabolic steroids. The medical examination shall be performed by a physician licensed to practice medicine or osteopathy **who** that is selected by the parent(s) or legal guardian(s).
- (1) **The parent 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 and not the district Board of Education.**



# REGULATION GUIDE

PUPILS  
R 5530/page 11 of 23  
Substance Abuse

- e. If the **physician chosen by the parent's or legal guardian's** ~~physician licensed to practice medicine or osteopathy~~ is not immediately available, the medical examination shall be conducted by the school physician.
- (1) If ~~neither the parent's or legal guardian's physician nor the school physician~~ is **not** immediately available, the **student pupil** shall be **accompanied by a member of the school staff designated by the Principal** taken to the emergency room of the nearest hospital for examination.
  - (2) The ~~pupil shall be accompanied by the student's pupil's parent(s), or legal guardian(s)~~ if available, **shall also accompany the student** and ~~by a member of the school staff designated appointed by the Principal. Parental or legal guardian permission is not required for the school's physician or emergency room examination. The parent(s) or legal guardian(s) may, but is not required to accompany the pupil to the school physician and/or emergency room. The Principal and/or designee will supervise the pupil while the pupil is waiting for the parent(s) or legal guardian(s) to take the pupil to the physician selected by the parent, or waiting for and receiving the examination by the school physician or in the emergency room.~~
  - (3) **When the An medical examination is conducted by a 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** ~~selected by the parent(s) or legal guardian(s) shall be at the expense of the parent and shall not be at the expense of the school district. An examination conducted by the school physician or by a physician at the emergency room of the nearest hospital shall be at the expense of the school district.~~



# REGULATION GUIDE

PUPILS  
R 5530/page 12 of 23  
Substance Abuse

- f5. **The Board of Education will have a plan in place for the appropriate supervision of the student:**
- (1) **While waiting for a parent to take the student to the physician selected by the parent, 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.**

~~The school district, in cooperation with the medical professionals licensed to practice medicine or osteopathy will establish the minimum requirements to be used for these medical examinations conducted in accordance with N.J.A.C. 6A:16-4.3 et seq. The minimum requirements for the examination will be periodically reviewed and updated as needed. 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.~~

- g6. A written report of the **medical** examination of the **student** ~~pupil~~ shall be furnished to the **student's parent, the Principal, and the Superintendent of Schools** by the examining physician to ~~the pupil's parent(s) or legal guardian(s), the Principal, and to the Superintendent~~ within twenty-four hours of the referral of the **student** ~~pupil~~ for suspected **alcohol drug** or **other drug** ~~alcohol~~ use.
- (1) **The school district, in cooperation with the school physician or medical professionals licensed 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 ~~of the report~~ shall verify whether the **student's** ~~pupil's~~ alcohol or other drug use interferes with his or her physical and mental ability to perform in school.



# REGULATION GUIDE

PUPILS  
R 5530/page 13 of 23  
Substance Abuse

- h7.** 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 ~~is required~~ to verify within twenty-four hours of the notification that the **student pupil** is suspected of alcohol or other drug use that ~~the~~ a medical examination **was performed in compliance** ~~in accordance~~ with this Policy ~~was performed~~.
- (1) The verification shall include, at a minimum, **the signature, the** printed name, address, and phone number **of the examining physician, the** date and time of the medical examination, ~~signature of the examining physician~~ and the date by which the ~~written~~ report **required in this Policy** ~~of the examination~~ will be provided.
- (2) **Refusal or failure by a parent 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).**
- i8.** If the written report of the medical examination is not submitted to the parent, Principal, ~~and~~ ~~or~~ Superintendent within twenty-four hours of the referral of the **student pupil for suspected alcohol or other drug use, the student pupil shall** ~~will~~ 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.**
- j9.** If the written report of the medical examination verifies that alcohol or other drugs do not interfere with the **student's pupil's** physical and mental ability to perform in school, the **student pupil** will be immediately returned to school.



# REGULATION GUIDE

PUPILS  
R 5530/page 14 of 23  
Substance Abuse

- ~~k10.~~ If there is a positive determination from the medical examination, indicating the **student's pupil's** alcohol or other drug use interferes with his or her physical or mental ability to perform in school:
- (1) ~~The student pupil~~ will be returned **as soon as possible** to the **care of the parent;** ~~parent's care as soon as possible.~~
  - (2) Attendance at school **shall will** not resume until a written report has been submitted to the parent(s) ~~or legal guardian(s)~~, **the** Principal, and Superintendent from ~~a~~ the physician **licensed to practice medicine or osteopathy** who has examined the **student pupil** 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 must** verify **that** the **student's pupil's** alcohol or other drug use no longer interferes with the **student's pupil's** physical and mental ability to perform in school.
  - (3) Removal of a **student pupil** with a disability shall be made in accordance with N.J.A.C. 6A:14.
- ~~11. Refusal or failure by a parent/legal guardian to comply with the provisions of N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated as a policy violation of the Compulsory Education Act pursuant to N.J.S.A. 18A:38-25 and 18A:38-31, and child neglect laws pursuant to N.J.S.A. 9:6-1 et seq., and N.J.A.C. 6A:16-11. Refusal or failure of a pupil to comply with N.J.S.A. 18A:40A-12 and N.J.A.C. 6A:16-4.3 shall be treated by the school district as a policy violation and handled in accordance with N.J.A.C. 6A:16-4.1(c)2.~~



# REGULATION GUIDE

PUPILS  
R 5530/page 15 of 23  
Substance Abuse

H2. While the ~~student pupil~~ is home because of the medical examination or after the ~~student pupil~~ returns to school, an individual who holds the Educational Services Certificate with the ~~substance awareness coordinator~~ **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:** ~~either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services endorsement on the Educational Services Certificate~~ and is trained to assess alcohol and other drug abuse shall:

(1)a. Conduct an alcohol and other drug assessment of the ~~student pupil~~ and a reasonable investigation of the situation, which may include interviews with the ~~student's pupil's~~ teachers and parents and consultation with experts in ~~student pupil~~ alcohol or other drug abuse ~~as may be appropriate and necessary~~, for the purpose of making a preliminary determination of the ~~student's pupil's~~ need for educational programs, supportive services, or treatment ~~that which~~ extend beyond the general school program by virtue of the ~~student's~~ use of alcohol or other drugs ~~by the pupil~~.

(a) The findings of the assessment alone shall not prevent a ~~student pupil~~ from attending school; and

(2)b. 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** ~~substance~~ abuse treatment.



# REGULATION GUIDE

PUPILS  
R 5530/page 16 of 23  
Substance Abuse

~~m13.~~ While the **student pupil** is at home because of the medical examination or after **his or her the pupil** returns to school, the Principal or Superintendent may recommend or require alcohol and other drug assessment of the **student pupil** or evaluation by appropriately certified or licensed professionals to make a positive determination of a **student's pupil's** need for programs and services **that which** extend beyond the general school program, as necessary.

(1) The findings of these additional evaluations alone shall not be used to prevent a **student pupil** from attending school.

~~n14.~~ If at any time it is determined **that the student's a pupil's** use of **alcohol or other drugs substances** presents a danger to the **student's pupil's** health and well-being, an individual who holds the Educational Services Certificate with the ~~substance awareness coordinator~~ **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:** ~~either the school nurse, school nurse/non-instructional, school psychologist, school counselor, school social worker, or student personnel services endorsement on the Educational Services Certificate~~ and is trained in alcohol and other drug abuse treatment referral shall initiate a referral for **alcohol or other drug substance** abuse treatment.

~~15.~~ ~~Any educational or non-educational school staff member who in good faith reports a pupil to the Principal or Principal's designee in compliance with N.J.A.C. 6A:16-4.3 and this Policy 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.~~

## [Optional

~~16.~~ ~~The district \_\_\_\_\_ (may or will) provide additional intervention and referral services for the pupil according to the requirements of N.J.S.A. 18A:40A-10 and N.J.A.C. 6A:16-7.1 through 7.3.]~~





# REGULATION GUIDE

PUPILS  
R 5530/page 17 of 23  
Substance Abuse

## **EF. Handling of Alcohol or Other Drugs** ~~Presence of Substances on School Premises~~

1. A ~~student's~~ **pupil's** person, effects, or school storage places may be searched for substances in accordance with **Board Policy and applicable laws regarding searches in schools No. 5770.**
- ~~2. The Principal or other school officer conducting the search shall confiscate as evidence any substance, found in the pupil's possession.~~
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. Any controlled dangerous substance as defined in N.J.S.A. 24:21-1 or at N.J.S.A. 2C:35-2, including controlled dangerous analogs and drug paraphernalia, shall be handled in accordance with Policy No. 9322 and implementing regulations.~~
  - 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. ~~Any substance or evidence of the use of a substance other than a controlled dangerous substance shall be sealed in an appropriate container and labeled with the date, name of the pupil, and name of the school official who conducted the search and found the drug. The evidence shall be locked in a secure place until it is no longer required for a determination of the pupil's involvement with a substance other than a controlled dangerous substance. 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.~~



# REGULATION GUIDE

PUPILS  
R 5530/page 18 of 23  
Substance Abuse

- 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 substance or paraphernalia.**
  
- d. **The Principal or designee shall not disclose the identity of a student who voluntarily and on his or her own initiative turned over the alcohol, other drug, or paraphernalia to a school employee, provided there is 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.**



# REGULATION GUIDE

PUPILS  
R 5530/page 19 of 23  
Substance Abuse

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.**



# REGULATION GUIDE

PUPILS  
R 5530/page 20 of 23  
Substance Abuse

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.**
- G. **Parent Training Program/Outreach Programs to Parents**
1. **A substance abuse training program will be offered to the parents of students** ~~An outreach program will be provided for the parent(s) or legal guardian(s) of pupils enrolled in the district. The program will be **offered** conducted at times, including evenings and weekends, and places convenient to parents(s) or legal guardian(s) and on school premises or at in other suitable facilities closer to pupil's residences or parents' workplaces.~~
  2. **The program shall, at a minimum, provide** ~~The parents' outreach program will include:~~
    - a. A thorough and comprehensive review of the substance abuse instruction curriculum to be taught to the children of the parents during the school year, **with** recommendations as to the ways in which **the** parent may enhance, reinforce, and supplement **that program**;
    - b. ~~Recommendations as to the ways in which parent(s) or legal guardian(s) may enhance, reinforce, and supplement substance abuse instruction;~~
    - be. Information on the pharmacology, physiology, psychosocial, and legal aspects of substance abuse;
    - cd. **Instruction to assist the parent in** ~~on~~ the identification of the symptoms and behavioral patterns that might indicate a **child may be involved in** substance abuse;



# REGULATION GUIDE

PUPILS  
R 5530/page 21 of 23  
Substance Abuse

- de. Information on the State, ~~and~~ local, **and community** organizations **which are** available ~~to assist in~~ **for** the prevention, ~~of substance abuse and~~ the early intervention, treatment, and rehabilitation of **individuals who show symptoms of** substance abusers; and
  - ef. A ~~r~~Review of **the** Board ~~P~~olicy and ~~administrative~~ ~~R~~egulations on substance abuse with attention to the role of parents.
3. **The Board will establish an outreach program to provide substance abuse education for the parents 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 parents 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 parents who believe that their child may be involved in substance abuse.**

## H. **Records and Confidentiality of Records**

- 1. Notations concerning a **student's** ~~pupil'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 No. 8330** ~~regarding confidentiality and limited access. All such notations shall be expunged when they are no longer required for the counseling or discipline of the pupil or when the pupil leaves school.~~
- 2. Information **concerning** ~~regarding~~ a **student's** ~~pupil'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** ~~in accordance with §408 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act, 42 U.S.C. 290 ee-3, and implementing regulations, 42 CFR Part 2.~~



# REGULATION GUIDE

PUPILS

R 5530/page 22 of 23

Substance Abuse

3. If an ~~elementary or secondary~~ **student pupil** involved in a school-based drug and alcohol counseling program provides information during the course of a counseling session ~~in that program~~ which indicates ~~that the~~ **student's pupil's** parent(s) or legal guardian(s) or other person residing in the **student's pupil's** household is dependent upon or illegally using a substances **pursuant to N.J.S.A. 18A:40A-7.1 and 7.2** as that term is defined in ~~N.J.S.A. 18A:40A-9~~, that information shall be kept confidential and may be disclosed only under the circumstances expressly authorized as follows:
- a. Subject to the **student's pupil's** written consent, to another person or entity whom the **student pupil** specifies in writing in the case of a secondary **student pupil**, or to a member of the **student's pupil's** immediate family or the appropriate school personnel in the case of an elementary **student pupil**;
  - 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 pupil** 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)** ~~Youth and Family Services~~ or to a law enforcement agency, if the information would cause a person to reasonably suspect that the ~~elementary or secondary~~ **student pupil** or another child may be an abused or neglected child **in accordance with statute or administrative code.**

Any disclosure made pursuant to **H.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 pupil's** written consent. The disclosure must be accompanied by a written



