

3218 SUBSTANCE ABUSE (M)

The Board of Education recognizes a teaching staff member who reports to work under the influence of drugs or alcohol poses a significant threat to their health, safety, and welfare and the health, safety, and welfare of others, including students and other staff members. The Board strongly advises any teaching staff member that has a dependency on a substance as defined in this Policy to seek appropriate treatment. The Board has an obligation and the right to maintain a safe and healthy work environment and adopts this Policy as an important component toward maintaining a safe environment in the school district. A teaching staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities.

- For the purposes of this Policy, “substance” or “substances” means alcoholic beverages, any controlled dangerous substances, including anabolic steroids as defined in N.J.S.A. 24:21-2 and N.J.S.A. 2C:35-2, or 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 in 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.

- Any teaching staff member who reports to work or attends a school-sponsored function where the teaching staff member has assigned job responsibilities under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

- A teaching staff member shall be required to submit to an immediate medical examination to include a substance test if the Principal or designee has reasonable suspicion to believe a teaching staff member is under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member has been assigned job responsibilities. Refusal of a teaching staff member to consent to the medical examination and substance test will be determined to be a positive result.

- In the event a teaching staff member’s medical examination and substance test results are negative for a substance, any documents or records pertaining to the requirement for the examination and test results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The teaching staff member will be afforded the opportunity to have any test results confirmed using acceptable test



confirmation practices. This confirming test shall be paid for by the teaching staff member.

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In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any teaching staff member who, in the course of their employment, has reason to believe a school staff member 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. Either the Principal or the staff member shall notify the Superintendent of Schools who shall notify, as soon as possible, the County Prosecutor or other law enforcement official designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the County Prosecutor or designee all known information concerning the matter, including the identity of the staff member involved.

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In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)3, the Superintendent or designee shall not disclose the identity of a teaching staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the teaching staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a teaching staff member in response to questioning initiated by the Principal or designee or following the discovery by the Principal or designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

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42 CFR Part 2

N.J.A.C. 6A:16-6.3; 6A:32-6.3

~~The Board of Education recognizes that chemical dependency is an illness which is preceded by the misuse and/or abuse of alcohol, anabolic steroids, and other drugs. The Board recognizes that the use/misuse of alcohol, anabolic steroids, and other drugs, and the problems associated with it, are becoming increasingly commonplace in today's society. It is generally accepted that alcoholism and other chemical dependencies are illnesses that can be treated successfully if they are identified as early as possible, and if appropriate treatment is promptly instituted. The Board believes that the therapeutic approach to the problem is more effective than one which is solely punitive in nature.~~

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~~For purposes of this policy, "substance" shall mean:~~

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- ~~1. All controlled dangerous substances as defined and prohibited in New Jersey Statutes and Codes;~~



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- 2. ~~All chemicals which release toxic vapors as defined and prohibited in New Jersey Statutes and Codes;~~
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- 3. ~~All alcoholic beverages; and~~
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- 4. ~~Anabolic steroids.~~

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~~For the purpose of this policy "worksite" shall include any school building, or any school premises any school owned vehicles or any other school approved vehicle used to transport pupils to and from school activities. Worksite also includes off school property during any school sponsored or school approved activity, event or function such as a field trip or athletic event, where pupils are under the jurisdiction of the school district.~~

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~~Smoking on school property or worksite is prohibited.~~

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~~Gambling is not permitted on school property or worksite.~~

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~~Gambling and the illegal possession of, use of, or sale of controlled dangerous substances are prohibited during working hours for employees whose assignments require them to work outside schoolwork location.~~

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~~Standard of Conduct~~

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~~The Board clearly prohibits the unlawful possession, use, or distribution of illicit substances, drugs, alcohol, and/or anabolic steroids on school premises or as part of any of its activities by any employee of the district as well as reporting to the workplace under the influence of any illicit substances, drugs, alcohol, and/or anabolic steroids. Compliance with this standard of behavior is mandatory.~~

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~~The Board will make every effort to educate its employees regarding the misuse of illegal substances, alcohol, drugs, and anabolic steroids. Further, the Board will assist and provide guidance to an employee who is having a problem concerning the abuse of these substances on how to receive additional help and counseling.~~

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~~Program Review~~

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~~The Board shall review its substance abuse program on a biennial basis to determine its effectiveness and implement changes as required and to ensure that disciplinary sanctions are consistently enforced.~~

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~~Any information gathered through a school investigation, counseling session, request by an employee for help, etc., shall comply with the confidentiality requirements established in Federal regulations found in 42 CFR Part II. Employees shall be subject to procedures and sanctions defined in Regulation No. 3218. All employees shall be provided with a copy of this policy and the accompanying regulations.~~

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~~N.J.S.A. 2C:33-15 et seq.~~

~~N.J.S.A. 24:21-2 et seq.~~

~~42 C.F.R. II~~

~~34 CFR 85.600 et seq.~~

~~20 U.S.C. 1145g, 3224a~~

~~41 U.S.C.A. 701 et seq.~~

Adopted: 09 October 2006

Revised: 06 May 2013

Revised:

