

POLICY GUIDE

TEACHING STAFF MEMBERS

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Use, Possession, or Distribution of Substances Abuse

Aug 19

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[See POLICY ALERT Nos. 125, 133, 205 and 218]

3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a teaching staff member who reports to work under the influence of a **substance** ~~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” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** 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



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member has been assigned job responsibilities. Refusal by of a teaching staff member to consent to the medical examination **including a and** substance test will be **deemed determined to be a positive test result for substances. In the event the results of the medical examination and substance test are not provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive test result for substances and the teaching staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.**

~~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 and 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.~~

In the event the Board physician determines the teaching staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the teaching staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured teaching staff member, and/or filing tenure charges for a tenured teaching staff member in accordance with law. The teaching staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the teaching staff member.

In the event a teaching staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the teaching staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the teaching staff member shall be returned to their position unless the Superintendent has a reason the teaching staff member should not be returned to their position.



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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, **the Principal's designee** ~~to the staff member~~ responsible at the time of the alleged violation. Either the Principal or **designee** ~~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.

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.

A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.

[Option

A teaching staff member who has been determined by the Board physician to be 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 may be offered a Last Chance Agreement upon the



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recommendation of the Superintendent and approval by the Board. By entering into said "Last Chance" agreement the employee will agree to comply with certain recommendations of the Board and the treating physician or facility, including, but not limited to, following any recommended treatment regimens until such time as the treating physician or facility determines that the program has successfully been completed; authorizing the treating physician or facility to notify the Superintendent of Schools in the event the employee does not comply with treatment requirements; and agreeing that any repetition of similar conduct will result in the termination of the employee's employment with the District. —A written Last Chance Agreement must be approved by the Board.

42 CFR Part 2

N.J.S.A. 18A:16-3; 18A:40A-9

N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 6A:32-6.3

Adopted:



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[See POLICY ALERT Nos. 125, 133, 205 and 218]

R 3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

A. Definition

1. **“Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**
24. “Principal or designee” means the teaching staff member’s Principal or a staff member designated by the Principal to be responsible at the time of the alleged violation or the teaching staff member’s supervisor or a staff member designated by the teaching staff member’s supervisor to be responsible at the time of the alleged violation.
32. **“Substance” or “substances” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** 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.
43. “Substance test” means a test conducted by a **Board-approved** ~~State-licensed-clinical~~ laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.
54. “Under the influence” means the presence of a substance as defined in Policy 3218 and this Regulation as confirmed in a medical examination and substance test.



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B. Procedures to be Followed When a Teaching Staff Member has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance is Suspected to be Under the Influence of a Substance

1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a 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 designee in accordance with the provisions of Policy 3218 and N.J.A.C. 6A:16-6.3(a).

a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the Principal or designee shall notify the Superintendent who shall notify, as soon as possible, 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:16-6.3(a)2, 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.

c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured teaching staff member or the filing of tenure charges for a tenured teaching staff member in accordance with law.



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C. Procedures to be Followed When a Teaching Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a teaching staff member is suspected of being 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.
 - a. The Principal or designee, upon receiving a report or information a teaching staff member may be 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 will:
 - (1) Immediately notify the Superintendent of Schools;
 - (2) Immediately meet with the teaching staff member;
 - (a) The Principal or designee may include another staff member in this meeting; and
 - (b) The teaching staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
 - b. The Principal or designee shall present to the teaching staff member the report or information supporting the suspicion the teaching staff member may be under the influence of a substance.
 - c. The teaching staff member shall be provided an opportunity to respond to the report or information presented by the Principal or designee.
 - d. In the event the Principal or designee believes the teaching staff member may be under the influence of a substance after meeting with the teaching staff member, the Principal or designee will arrange for an immediate medical examination by the Board physician. The medical examination shall to include a substance test administered by the Board physician or a Board-approved laboratory.



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- e. The teaching staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the Principal or designee.
 - f. The teaching staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or ~~the physician's~~ designee on the type of testing to be completed and the substances that will be tested.
 - g. The teaching staff member may, prior to being examined ~~or~~ and tested, disclose to the **Board** physician ~~or designee~~ any prescription medicine, over-the-counter medicine or supplements, or any other reason why the teaching staff member's test results may be positive.
 - h. **Refusal by a** ~~A teaching staff member's refusal to consent to the medical examination which includes a substance test be examined or tested in accordance with the provisions of Policy 3218 and this Regulation will be deemed as a positive test result test for substances.~~
2. The **results of the** medical examination and substance test shall be used by the **Board** physician to determine if the teaching staff member is under the influence of any substance as defined in Policy 3218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.
- a. **Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the teaching staff member will be deemed a positive test result for substances.**
3. ~~The physician shall receive the results of the substance test~~ **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered ~~or . If the results of the substance test are not available within twenty-four hours, the~~



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~~physician shall report the results to the Superintendent and the teaching staff member as soon as the test results are available. The Superintendent shall provide the teaching staff member with these results.~~

- a. **In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive test result for substances.**
4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was not under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, ~~the physician will notify the Superintendent of such results and the teaching staff member shall return to their position in the school district unless the Superintendent has a reason the teaching staff member should not be returned to their position. Any records or documentation related to the incident shall not be included in the teaching staff member's personnel file.~~
5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the teaching staff member was under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will:
 - a. Discuss the results of the examination and substance test with the teaching staff member and provide the teaching staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.
 - b. Provide the teaching staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **teaching** staff member and approved by the **Board** physician **and Superintendent.**



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- (1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the teaching staff member.**
 - (2) The **confirmation** ~~confirming~~ ~~substance~~ test results must be provided to the **Board** physician **and Superintendent** within the time period required by the **Board** physician.
 - (3) Any **confirmation** ~~confirming~~ test results provided to the **Board** physician **and Superintendent** not within the time period required by the **Board** physician shall not be accepted and the teaching staff member shall be determined to have waived their right to have **the results of a confirmation** ~~confirming~~ ~~substance~~ test considered ~~by the physician.~~
- c. After completing the requirements in 5. a. and b. above, the **Board** physician shall make a final determination whether the teaching staff member was under the influence of a substance during the work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities.
- (1) If the **Board** physician makes a final determination the teaching staff member was not under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will report **a final determination** ~~these results~~ to the Superintendent and the teaching staff member shall return to their position in the school district **unless the Superintendent has a reason the teaching staff member should not be returned to their position.** ~~and Any records or~~



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documentation regarding a negative medical examination or substance test ~~related to the incident~~ shall not be included in the teaching staff member's personnel file.

- (2) If the **Board** physician makes a final determination the teaching staff member was under the influence during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities, the **Board** physician will report a **final determination** ~~these results to the Superintendent of Schools and the teaching staff member will be required to meet with the Superintendent.~~

DC. Procedures to be Followed When a Teaching Staff Member is Determined to be Under the Influence of a Substance

1. Any teaching staff member ~~who has been~~ determined by the **Board** physician to be under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities shall be required to meet with the Superintendent.
 - a. The teaching staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the teaching staff member an opportunity to respond to the **Board** physician's determination.
3. A teaching staff member ~~who has been~~ determined to ~~be have been~~ under the influence of a substance during work hours or at a school-sponsored function where the teaching staff member was assigned job responsibilities will be subject to appropriate discipline which may include, **but not be limited to:**
 - a. **Withholding an increment;**
 - b. **Terminating** ~~termination of~~ a non-tenured teaching staff member; **and/or**
 - c. ~~the F~~iling of tenure charges for a tenured teaching staff member.

Issued:



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[See POLICY ALERT Nos. 125, 133, 205 and 218]

4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

The Board of Education recognizes a support staff member who reports to work under the influence of **a substance** ~~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 support 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 support staff member is prohibited from possession, use, distribution, or being under the influence of any substance during work hours.~~

For the purposes of this Policy, “substance” or “substances” **as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** 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 support staff member who reports to work under the influence of or in possession of any substance will be subject to appropriate discipline, which may include termination or the filing of tenure charges for a tenured support staff member in accordance with law.~~

A support staff member shall be required to submit to an immediate medical examination to include a substance test if the support staff member’s supervisor has reasonable suspicion to believe a support staff member is under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities**. Refusal by of a support staff member to consent to the medical examination **including a and** substance test will be **deemed determined to be a positive result for substances**. **In the event the results of the medical examination and substance test are not**



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provided to the Superintendent, within twenty-four hours or as soon as the test results are available, it will be deemed a positive result for substances and the support staff member shall be subject to appropriate discipline. Any required medical examination and testing shall be paid for by the Board.

~~In the event a support 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 and results will not be maintained by the school district. Any required examination and testing shall be paid for by the Board. The support 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 support staff member.~~

In the event the Board physician determines the support staff member was under the influence of a substance, the determination shall be reported to the Superintendent and the support staff member will be subject to appropriate discipline. Appropriate discipline may include, but not be limited to, withholding an increment, terminating a non-tenured support staff member, and/or filing tenure charges for a tenured support staff member in accordance with law. The support staff member will be afforded the opportunity to have positive test results confirmed using acceptable confirmation test practices. This confirmation test shall be paid for by the support staff member.

In the event a support staff member's medical examination and substance test results are negative for a substance or if the Board physician determines the support staff member was not under the influence of a substance, the results or determination shall be reported to the Superintendent and the support staff member shall be returned to their position unless the Superintendent has a reason the support staff member should not be returned to their position.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any support 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



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drug paraphernalia, shall report the matter as soon as possible to the Principal, or in the absence of the Principal, to the staff member's **supervisor** responsible at the time of the alleged violation. Either the Principal or the staff member's **supervisor responsible at the time of the alleged violation** 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.

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 **support** staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the **support** staff member is not reasonably believed to be involved or implicated in drug-distribution activities. An admission by a **support** staff member in response to questioning initiated by the Principal or **Superintendent's** designee or following the discovery by the Principal or **Superintendent's** designee of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall not constitute a voluntary, self-initiated request for counseling and treatment.

A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids or drug paraphernalia, pursuant to N.J.A.C. 6A:16-6.3, shall be subject to appropriate discipline which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.

{Option

A support staff member who has been determined by the Board physician to be under the influence of a substance during work hours or at a school-sponsored function where the support staff member has been assigned job responsibilities may be offered a Last Chance Agreement upon the recommendation of the Superintendent and approval by the Board. By entering into said "Last Chance" agreement the employee will agree to comply with certain recommendations of the Board and the treating physician or facility, including, but not limited to, following any recommended treatment regimens until such time as the treating physician or facility determines that the program has successfully been completed; authorizing the treating physician or facility to notify the Superintendent of



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Schools in the event the employee does not comply with treatment requirements; and agreeing that any repetition of similar conduct will result in the termination of the employee's employment with the District.—A written Last Chance Agreement must be approved by the Board.}

42 CFR Part 2

N.J.S.A. 18A:16-3; 18A:40A-9

N.J.A.C. 6A:16-4.1; 6A:16-6.3; 6A:16-6.5 ~~6A:32-6.3~~

Adopted:



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[See POLICY ALERT Nos. 125, 133, 205 and 218]

R 4218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES ABUSE

A. Definition

1. **“Board physician” means a physician currently licensed by the New Jersey Board of Medical Examiners in medicine or osteopathy and appointed by the Board of Education.**
24. **“Substance” or “substances” as defined in N.J.S.A. 18A:40A-9 and N.J.A.C. 6A:16-4.1(a)** 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.
32. **“Substance test” means a test conducted by a Board-approved** ~~State-licensed-clinical~~ laboratory using accepted substance use practices, accepted chain of custody procedures, and testing methodology recommended by the laboratory instrument’s manufacturer.
43. **“Support staff member’s supervisor” or “supervisor” means the building or district administrative staff member who is responsible for supervising the support staff member. For the purposes of this Policy and Regulation, the support staff member’s supervisor shall be the support staff member’s Principal, School Business Administrator/Board Secretary, district Director or Supervisor, or any other administrative staff member responsible at the time of the alleged violation or as designated by the Superintendent.**
54. **“Under the influence” means the presence of a substance as defined in Policy 4218 and this Regulation as confirmed in a medical examination and substance test.**



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- B. Procedures to be Followed When a Support Staff Member **has Unlawfully Possessed or has been Involved in the Distribution of a Controlled Dangerous Substance** ~~is Suspected to be Under the Influence of a Substance~~
1. Subject to N.J.A.C. 6A:16-6.5, any staff member who, in the course of their employment, has reason to believe a 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 staff member's supervisor in accordance with the provisions of Policy 4218 and N.J.A.C. 6A:16-6.3(a).
 - a. In accordance with the provisions of N.J.A.C. 6A:16-6.3(a)1, upon receiving a report, the supervisor shall notify the Superintendent who shall notify, as soon as possible, 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:16-6.3(a)2, 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.
 - c. A staff member who unlawfully possessed or in any way has been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall be subject to appropriate discipline, which may include, but not be limited to, termination of a non-tenured support staff member or the filing of tenure charges for a tenured support staff member in accordance with law.



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C. Procedures to be Followed When a Support Staff Member is Suspected to be Under the Influence of a Substance

1. The following procedures shall be used when a support staff member is suspected of being under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities.**
 - a. The support staff member's supervisor, upon receiving a report or information a support staff member may be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member has been assigned job responsibilities** will:
 - (1) Immediately notify the Superintendent of Schools;
 - (2) Immediately meet with the support staff member;
 - (a) The support staff member's supervisor may include another staff member in this meeting; and
 - (b) The support staff member suspected of being under the influence may include another staff member or a representative of their choice in this meeting.
 - b. The support staff member's supervisor shall present to the support staff member the report or information supporting the suspicion the support staff member may be under the influence of a substance.
 - c. The support staff member shall be provided an opportunity to respond to the report or information presented by the supervisor.
 - d. In the event the supervisor or designee believes the support staff member may be under the influence of a substance after meeting with the support staff member, the supervisor will arrange for an immediate medical examination **by the Board physician. The medical examination shall to include a substance test administered by the Board physician or a Board-approved laboratory.**



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- e. The support staff member shall be transported to the examination and testing location by means of transportation approved by the Superintendent or designee and shall be accompanied by the support staff member's supervisor or designee.
 - f. The support staff member, prior to the medical examination and substance test, will be informed by the **Board** physician or the physician's designee on the type of testing to be completed and the substances that will be tested.
 - g. The support staff member may, prior to being examined ~~or~~ and tested, disclose to the **Board** physician ~~or designee~~ any prescription medicine, over-the-counter medicine or supplements, or any other reason why the support staff member's test results may be positive.
 - h. **Refusal by a** ~~A support staff member's refusal to consent to the medical examination which includes a substance test be examined or tested in accordance with the provisions of Policy 4218 and this Regulation will be deemed as a positive result test for substances.~~
2. The **results of the** medical examination and substance test shall be used by the **Board** physician to determine if the support staff member is under the influence of any substance as defined in Policy 4218 and this Regulation. The substance test procedures will provide for a **confirmation** ~~confirming~~ test using acceptable confirmation test procedures.
 - a. **Any specimen determined by the Board physician or Board-approved laboratory to have been adulterated by the support staff member will be deemed a positive result for substances.**
 3. The ~~physician shall receive the results of the substance test~~ **shall be provided to the Superintendent and Board physician** within twenty-four hours of the test being administered ~~or~~ **— If the results of the substance test are not available within twenty-four hours, the physician shall report the results to the Superintendent and the support staff member as soon as the test results are available. The Superintendent shall provide the support staff member with these results.**



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- a. **In the event the results of the medical examination and substance test are not provided to the Superintendent, it will be deemed a positive result for substances.**
4. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was not under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, ~~the physician will notify the Superintendent of such results and the support staff member shall return to their position in the school district unless the Superintendent has a reason the support staff member should not be returned to their position. Any records or documentation related to the incident shall not be included in the support staff member's personnel file.~~
5. If the **Board** physician determines, based upon the medical examination and the results of the substance test, that the support staff member was under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will:
 - a. Discuss the results of the examination and substance test with the support staff member and provide the support staff member an opportunity to present any medical or other reasons for the **Board** physician's determination.
 - b. Provide the support staff member an opportunity to have the substance test results confirmed by a ~~State-licensed clinical~~ laboratory selected by the **support** staff member and approved by the **Board** physician **and Superintendent**.
 - (1) The **Board** physician will schedule and coordinate the **confirmation** ~~confirming~~ test procedures, including the acceptable time period for the **confirmation** ~~confirming~~ test to be conducted based on the existing test results, and the time in which a **confirmation** ~~confirming~~ test result would be valid. **This confirmation test shall be paid for by the support staff member.**



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- (2) The **confirmation** ~~confirming substance~~ test results must be provided to the **Board physician and Superintendent** within the time period required by the **Board physician**.
 - (3) Any **confirmation** ~~confirming~~ test results provided to the **Board physician and Superintendent** not within the time period required by the **Board physician** shall not be accepted and the support staff member shall be determined to have waived their right to ~~a have the results of a confirmation confirming substance test considered by the physician.~~
- c. After completing the requirements in 5. a. and b. above, the **Board physician** shall make a final determination whether the support staff member was under the influence of a substance during the work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities.**
- (1) If the **Board physician** makes a final determination the support staff member was not under the influence during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board physician** will report **a final determination** ~~these results~~ to the Superintendent and the support staff member shall return to their position in the school district **unless the Superintendent has a reason the support staff member should not be returned to their position.** ~~and Any records or documentation regarding a negative medical examination or substance test related to the incident~~ shall not be included in the support staff member's personnel file.



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- (2) If the **Board** physician makes a final determination the support staff member was under the influence during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities**, the **Board** physician will report a **final determination** these results to the Superintendent of Schools and the support staff member will be required to meet with the Superintendent.

DC. Procedures to be Followed When a Support Staff Member is Determined to be Under the Influence of a Substance

1. Any support staff member ~~who has been~~ determined by the **Board** physician to be under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** shall be required to meet with the Superintendent.
 - a. The support staff member may include a staff member or a representative of their choice in this meeting.
2. The Superintendent will provide the support staff member an opportunity to respond to the **Board** physician's determination.
3. A support staff member ~~who has been~~ determined to ~~be have been~~ under the influence of a substance during work hours **or at a school-sponsored function where the support staff member was assigned job responsibilities** will be subject to appropriate discipline which may include, **but not be limited to:**
 - a. **Withholding an increment;**
 - b. **Terminating termination of a non-tenured support staff member; and/or**
 - c. ~~the F~~ filing of tenure charges for a tenured support staff member.

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7440 SCHOOL DISTRICT SECURITY

The Board of Education believes the buildings and facilities of the school district represent a substantial community investment. The Board directs the development and implementation of a plan for school district security to protect the school community's investment in the school buildings and facilities. **The Board will comply with the security measures required in N.J.S.A. 18A:7G-5.2 for new school construction and for existing school buildings.**

The school district security program will include: maintenance of facilities that are secure against unwelcome intrusion; protection against fire hazards and faulty equipment; and compliance with safe practices in the use of electrical, plumbing, heating, and other school building equipment.

The Board shall provide to local law enforcement authorities a copy of the current blueprints and maps for all schools and school grounds within the school district or nonpublic school. In the case of a school building located in a municipality in which there is no municipal police department, a copy of the blueprints and maps shall be provided to an entity designated by the Superintendent of the New Jersey State Police. The Board shall provide revised copies to the applicable law enforcement authorities or designated entities any time that there is a change to the blueprints or maps.

The Board directs close cooperation of district officials with law enforcement, fire officials, and other emergency agencies.

Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency pursuant to N.J.S.A. 18A:41-10 through 13.



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The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist certification in accordance with the provisions of N.J.S.A. 18A:17-43.2. The School Safety Specialist shall also serve as the school district's liaison with local law enforcement and national, State, and community agencies and organizations in matters of school safety and security.

Access to school buildings and grounds outside the hours school is in session shall be limited to personnel whose employment requires their presence in the facility. An adequate key control system will be established to limit building access to authorized personnel and guard against the potential of intrusion by unauthorized persons who have obtained access improperly.

In accordance with N.J.S.A. 18A:7G-5.2.b.(15), propping open doors to buildings on school grounds is strictly prohibited and students and staff shall not open a door for any individual. All persons seeking entry into the main building shall be directed to the main entrance.

Building records and funds shall be kept in a safe place and secured as appropriate and necessary.

Protective devices designed to be used as safeguards against illegal entry and vandalism may be installed when appropriate. The Board may approve the employment of school resource officers, school security officers, and/or law enforcement officers in situations in which special risks are involved.

N.J.S.A. 18A:7G-5.2; 18A:17-43.1; 18A:17-43.2; 18A:17-43.3;
18A:41-7.1; 18A:41-10; 18A:41-11; 18A:41-12; 18A:41-13
N.J.A.C. 6A:16-1.3; 6A:26-1.2

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R 7440 SCHOOL DISTRICT SECURITY

A. Definitions

“Access” means authorized access to a school building or school grounds through the use of a Board-approved key control system.

“Key control system” means the use of a key, card, code, or any other means to disengage a locking mechanism to provide entry to a school building or school grounds.

“Panic alarm” means a silent security system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring a response from law enforcement.

“School buildings” and “school grounds” means and includes land, portions of land, structures, buildings, and vehicles, when used for the provision of academic or extracurricular programs sponsored by the school district or community provider and structures that support these buildings, such as school district wastewater treatment facilities, generating facilities, and other central service facilities including, but not limited to, kitchens and maintenance shops. “School buildings” and “school grounds” also includes athletic stadiums; swimming pools; any associated structures or related equipment tied to such facilities including, but not limited to, grandstands; night field lights; greenhouses; garages; facilities used for non-instructional or non-educational purposes; and any structure, building, or facility used solely for school administration. “School buildings” and “school grounds” also includes other facilities such as 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 in accordance with N.J.A.C. 6A:16-1.3 and 6A:26-1.2.

B. Access to School Buildings and School Grounds

1. Access to school buildings and grounds during the school day will be permitted to all students enrolled in the school, all authorized school staff members, and visitors pursuant to Policy and Regulation 9150.



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2. Access to school buildings and grounds before and after the school day will be permitted to:
 - a. Members of the Board of Education;
 - b. Administrative and supervisory staff members, teaching staff members, and support staff members assigned to a school building or grounds in the performance of their duties;
 - c. Other school staff members in the performance of their professional responsibilities;
 - d. Students involved in interscholastic athletics, co-curricular or extra-curricular activities, and authorized spectators;
 - e. Members of organizations granted the use of school premises pursuant to Policy and Regulation 7510;
 - f. Police officers, fire fighters, health inspectors, and other agents of Federal, State, and local government in the performance of their official duties;
 - g. Members of the public present to attend a public Board of Education or public school-related function; and
 - h. Others authorized by the Superintendent or designee and/or by Board Policy.
3. All visitors to a school building during a school day will be required to register their presence in the school and comply with the provisions of Policy and Regulation 9150. The school's registration and sign-in procedures may include the use of a school visitor management system requiring the visitor to present acceptable identification to access the school building.
4. Signs will be conspicuously posted to inform visitors of the requirement to register their presence into the building.



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C. Key Control System for Access to School Buildings and Facilities

1. School staff members will be provided access to a school building using the school's key control system as follows:
 - a. Teaching staff members and support staff members will be provided access using the school's key control system to the school building and to other facilities on school grounds to which they require access for the performance of their professional duties.
 - (1) The Building Principal will determine the school staff members who shall be provided access to facilities within the school building and on school grounds.
 - (2) The Superintendent or designee will determine the district administrators, supervisors, and other staff members who shall be provided access to facilities within the school building and on school grounds.
2. School staff members provided access to a school building or other facilities on school grounds shall be responsible for ensuring their key control system authorization is not shared with another individual without prior approval of the Principal or designee for school staff members, or the Superintendent or designee for district staff members. Staff members are prohibited from permitting their key control system authorization to be used by another person unless prior approval is obtained from the Principal or designee at the building level and Superintendent or designee at the district level or in the event of an emergency.
3. A staff member's loss of a key, card, or any other device authorizing the staff member access to a school building or a facility on school grounds must be immediately reported to the Principal or Superintendent or designee. The staff member who loses a key, card, or any such access device may be responsible for the replacement cost.



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D. School Building Panic Alarm or Emergency Mechanisms (N.J.S.A. 18A:41-10 through 13)

1. Each public elementary and secondary school building shall be equipped with at least one panic alarm for use in a school security emergency including, but not limited to, a non-fire evacuation, lockdown, or active shooter situation.
2. The alarm shall be directly linked to local law enforcement authorities or, in the case of a school building located in a municipality in which there is no municipal police department, a location designated by the Superintendent of the New Jersey State Police.
3. The alarm shall be capable of immediately transmitting a signal or message to such authorities outlined in D.2. above upon activation.
4. The alarm shall not be audible within the school building.
5. Each panic alarm required under N.J.S.A. 18A:41-11 and Policy and Regulation 7440 shall:
 - a. Adhere to nationally recognized industry standards, including the standards of the National Fire Protection Association and Underwriters Laboratories; and
 - b. Be installed solely by a person licensed to engage in the alarm business in accordance with the provisions of N.J.S.A. 45:5A-27.
6. The school district may equip its elementary and secondary school buildings with an emergency mechanism that is an alternative to a panic alarm if the mechanism is approved by the New Jersey Department of Education.

ED. Staff Member Responsibilities

1. Staff members should not bring to school valuable personal items that cannot be in the staff member's personal possession at all times. The Board of Education is not responsible for a staff member's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed.



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2. In the event a staff member observes a student has a valuable item in school, the staff member will report it to the Principal or designee. A valuable item may include, but is not limited to, an unusually large amount of money, expensive jewelry or electronic equipment, or any item that is determined by the Principal or designee to be valuable to a student based on the student's age.
 - a. The Principal or designee may contact the student's parent and request the parent come to school to retrieve the valuable item;
 - b. The Principal or designee may secure the valuable item and return it to the student at the end of the school day and inform the student and the parent not to bring the valuable item to school in the future; or
 - c. The Principal or designee will permit the student to maintain the valuable item and inform the student and the parent not to bring the valuable item to school in the future.
 - d. The Board of Education is not responsible for a student's personal possession in the event the item is lost, stolen, misplaced, damaged, or destroyed when in the possession of the student.
3. Teaching staff members shall close classroom windows and shut and lock classroom doors when leaving at the end of the school day; shut and lock classroom doors during the school day when the room is not going to be in use after their assignment, and report immediately to the Principal or designee any evidence of tampering or theft.
4. Custodians shall, at the end of the work day, conduct a security check of the building to make certain that all windows are closed and all office, classroom, and building doors are shut and locked, except as such doors may be required to be open for persons with access.
5. Office personnel shall take all reasonable precautions to ensure the security of all school and district records and documents against unauthorized access, deterioration, and destruction.



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FE. School Safety Specialist

1. The Superintendent of Schools shall designate a school administrator, or a school employee with expertise in school safety and security, as a School Safety Specialist for the district in accordance with the provisions of N.J.S.A. 18A:17-43.3.
2. The School Safety Specialist shall:
 - a. Be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district;
 - b. Ensure that these policies and procedures are in compliance with State law and regulations; and
 - c. Provide the necessary training and resources to school district staff in matters relating to school safety and security.
3. The School Safety Specialist shall also serve as the school district's liaison with law enforcement and national, State, and community agencies and organizations in matters of school safety and security.
4. The School Safety Specialist shall be required to acquire a New Jersey Department of Education School Safety Specialist Certification in accordance with the provisions of N.J.S.A. 18A:17-43.2.

GF. Summoning Law Enforcement Authorities

1. Law enforcement authorities will be summoned promptly whenever evidence is discovered that indicates: a crime has been committed on school premises or in the course of staff or student transportation to or from school; a break and entry may have occurred on school grounds; a deadly weapon is on school premises; a breach of the peace has occurred on school premises; for any reason required in the Memorandum of Understanding between the Board of Education and Law Enforcement and in accordance with Policy and Regulation 9320; or for any other reason there is concern about the health, safety, and welfare of persons on school grounds or school property.



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2. **Anytime** ~~A call to~~ law enforcement agents **are summoned in accordance with G.1. above,** ~~will be reported to the Superintendent~~ **will be notified** as soon as possible, ~~along with the reason(s) for which the call was made and the outcome of the incident.~~

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Transportation of **Special Needs Students** ~~Disabled Students~~

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[See POLICY ALERT No. 147, 172 and 218]

8670 TRANSPORTATION OF SPECIAL NEEDS STUDENTS ~~DISABLED STUDENTS~~

The Board of Education shall provide transportation services for students with **special needs in accordance with N.J.S.A. 18A:39-1 et seq., N.J.A.C. 6A:27-5.1**, ~~disabilities as required by law and with their Individualized Education Program (IEP) dictated by the student's educational needs and physical welfare.~~ The Board will provide the transportation **in accordance with N.J.A.C. 6A:27-5.1** specified as a related service in the program of special education approved for a disabled student **with special needs pursuant to N.J.A.C. 6A:14-3.9(a)7**. ~~Such transportation will conform to the student's Individualized Education Program (IEP) and the transportation requirements described by the Child Study Team or prescribed by the school physician.~~ **Such transportation services may include, but are not limited to, special transportation equipment, transportation aides, and special arrangements for other assistance to and from school.**

When an out-of-district placement for educational reasons is made, ~~transportation shall be provided consistent with to a placement outside this district will conform to the school calendar of the receiving school.~~ **A copy of the school calendar shall be submitted to the resident district by May 15 preceding the year in which transportation is required, or at the time of placement if it occurs after May 15.**

~~The transportation of a disabled student may include such special equipment, transportation aides, and special arrangements for other assistance to and from and in and around the school.~~ When necessary for the student's welfare, the **student's case manager shall** ~~will~~ provide the transportation coordinator **or responsible staff member** and the bus driver with specific information about the student **including safety concerns, mode of communication, and health and behavioral characteristics of a student for whom transportation services are to be provided.**

~~For~~ **S**students with **special needs disabilities** below the age of five, **shall be transported in vehicles equipped with safety belts or other child restraint systems, in accordance with applicable Federal and State regulations** ~~will be used.~~



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Transportation of **Special Needs Students** ~~Disabled Students~~

The transportation of ~~disabled~~ students **with special needs** to special education programs approved by the Board and located outside the State will conform to guidelines established by the New Jersey State Department of Education pursuant to N.J.A.C. 6A:27-2.2(c)1. ~~Such transportation services will be dictated by the student's IEP and approved by the Child Study Team. The individual plan for a disabled student's out of State transportation will be submitted to the Office of the County Superintendent prior to its implementation. In general, transportation of out of State disabled students will be by the most economical and expeditious mode consistent with the student's special needs and will be limited to travel at the beginning and the ending of the school year.~~

State aid will be sought for the services provided in accordance with law and this Policy. The Board directs that appropriate records be maintained and all relevant documentation be preserved in order that the district be properly reimbursed for the costs of transportation.

N.J.S.A. 18A:39-1 et seq.; 18A:39-2.1; 18A:46-19.6; 18A:46-23

N.J.A.C. 6A:14-3.9(a)7; 6A:27-2.2; 6A:27-5.1 et seq.

Adopted:



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[See POLICY ALERT No. 218]

9400 NEWS MEDIA RELATIONS

~~Representatives of the local newspapers and radio and television stations are an important link in the communications chain between the school district and the community it serves.~~ The maintenance of a good working relationship with ~~members of the media~~ is essential to meeting the objectives of the **school district's school and community relations program.**

The Board of Education must give formal approval to all basic practices governing relations between ~~news~~ **the media** and the **school** district and reserves the right to negotiate, on terms most favorable to the **school** district, for the ~~radio~~ broadcasting, ~~televising~~, filming, or sound recording of any school event by an outside agency.

The **Superintendent or designee** shall be the chief communications representative of the **school district Board**. ~~He/she~~ **The chief communications representative** shall be readily available to: ~~media representatives~~, provide media representatives with all appropriate and necessary information;; suggest or supply feature articles or stories;; prepare **information to be released to the media**; "press kits," assist school and parent organizations with **media press** relations;; meet periodically with media representatives;; ~~and~~ protect school personnel from any unnecessary demands on their time by ~~news media~~ representatives; **and provide additional information as appropriate.**

The **Superintendent or designee** must ~~approve~~ **authorize** in advance interviews between staff members ~~or students~~ and media representatives **when the staff member is representing or speaking on behalf of the Board of Education or the school district.**

A school district staff member not designated by the Superintendent or designee to assist in any of the media responsibilities outlined in this Policy, including speaking to a representative of the media, is not prohibited from doing so on their own behalf as a private citizen provided the staff member does not indicate or imply they represent or are speaking on behalf of the Board of Education or the school district and indicate they are speaking on their own behalf as a private citizen.



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A staff member who is acting on their own behalf as a private citizen should be cognizant of their obligations to protect the privacy and confidentiality of students and school operations in accordance with Federal and State laws.

~~The Board of Education reserves its right to regulate the exercise of school district staff members' First Amendment rights of the United States Constitution in such situations to the extent that such exercise may interfere with the safe and orderly operation of the schools and the learning environment.~~

The Board of Education reserves its right to regulate the exercise of school district staff members' speech, consistent with their First Amendment rights under the United States Constitution and the Board's right to ensure the orderly operation of the schools.

The Superintendent or designee must and authorize the release of photographs, video or digital any images of district subjects, personnel, or students.

Any Photographs, video or digital images of a student with a disability of disabled children shall not be disseminated or used in print or media in any way if they are identified as a student with a disability disabled unless permission is granted by the parent(s) or legal guardian(s). Any Photographs, video or digital images of a child children placed in the district by DYFS the New Jersey Department of Children and Families, Division of Child Protection and Permanency shall not be published without permission of the Division Department case worker. Where the release of any a photograph, video or digital images may violate the privacy of a any student or staff member, the Superintendent or designee (chief communications representative) must first secure the written permission of the staff member or the student's parent(s) or legal guardian(s).



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