

3218 USE, POSSESSION, OR DISTRIBUTION OF SUBSTANCES

The Board of Education recognizes that a teaching staff member who reports to work under the influence of a substance poses a significant threat to his or her health, safety, and welfare, as well as 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.

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; 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.

“Substance” shall also include any substance that is represented to be, represented to contain, mimics, or that looks like an alcoholic beverage or controlled dangerous substance under New Jersey law, including but not limited to, any substance that contains or is represented to contain chemicals or any substance that produces the same effect as or is represented to produce the same effect as a prohibited substance or any functional or structural analog of a prohibited substance, including, but not limited to, K-2, Spice, salvia, or any other synthetic cannabinoid.

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.

Refusal by a teaching staff member to consent to the medical examination, including a substance test, will be deemed 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



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positive test result for substances and the teaching staff member shall be subject to appropriate discipline.

Any examination and testing required by the Board or District Administration shall be at Board expense.

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 that 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 his or her position, unless the Superintendent has a reason why the teaching staff member should not be returned to his or her position.

In accordance with the requirements of N.J.A.C. 6A:16-6.3(a), any staff member who, in the course of his or her 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 in the absence of the Principal, the Principal's designee responsible at the time of the alleged violation. Either the Principal or designee shall notify the Superintendent, who shall notify, as soon as possible, local or county law enforcement officers or other law enforcement official(s) designated by the County Prosecutor to receive such information. The Superintendent or designee shall provide to the appropriate parties, including 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 staff member who has voluntarily sought and participated in an appropriate treatment or counseling program for an alcohol or drug abuse problem, provided the staff member is not reasonably believed to be in possession of a controlled dangerous substance on school grounds or involved or implicated in drug-distribution activities. An admission by a staff member in response to questioning initiated



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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.

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: 17 July 2012

Revised: 21 July 2015 ; _____

