

(d) Audiometric screening shall be conducted with an audiometer which is calibrated annually in accordance with ANSI S3.6-1969, American National Standard Specifications for Audiometers, which with all subsequent amendments and supplements is incorporated herein by reference. These standards may be purchased from the American National Standards Institute, Inc. 1430 Broadway, New York, New York 10018.

(e) Each pupil shall be screened individually at 20dB HL in a screening room at the following frequencies: 500Hz, 1000Hz, 2000Hz, 3000Hz and 4000Hz.

(f) If a pupil fails the first screening, the school nurse, using an otoscope, may look into the external ear canal and identify any condition which could interfere with the hearing. If there is a possible problem, the pupil and parent shall be notified and a recommendation made for a medical examination.

(g) A pupil who fails to respond to any one frequency in either ear shall be screened again in four to six weeks.

(h) If a pupil fails to respond to the same frequency or frequencies in the same ear on the second valid screening, the pupil shall be considered to have failed the screening and should be referred for further evaluation.

(i) A pupil who fails to respond at a different frequency or different frequencies on the second screening shall be screened a third time within two weeks.

(j) A pupil who fails to respond at any one frequency on the third screening shall be considered to have failed the screening and shall be referred for further evaluation.

(k) The school nurse shall notify in writing the parent or guardian of pupils failing audiometric screening of the necessity for additional evaluation by a physician or family health care provider.

Administrative Correction: Deleted (k) and recodified (l) to (k). See: 22 N.J.R. 2359(a).

SUBCHAPTER 6. SUBSTANCE ABUSE

6:29-6.1 Purpose

These rules are designed to provide standards for district boards of education in their development of policies and procedures to evaluate and treat pupils who have alcohol and other drug-related problems in the school setting.

Amended by R.1989 d.480, effective September 5, 1989. See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Changed words "guidance to" to "standards for" and added reference to . . . alcohol and "other" drug-related. . . . Recodified by R.1990 d.154, effective March 5, 1990. See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on physical education personnel recodified to N.J.A.C. 6:29-3.1. Rule on the purpose of the subchapter on substance abuse recodified from N.J.A.C. 6:29-9.1.

6:29-6.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings unless the context clearly indicates otherwise:

"Evaluation" means those procedures used to determine a pupil's need for an educational program or treatment which extends beyond the regular school program by virtue of the use of alcohol or other drugs by the pupil or the pupil's family.

"Intervention and referral to treatment" means those programs and services offered to help a pupil because of the use of alcohol or other drugs by the pupil or the pupil's family.

Amended by R.1989 d.480, effective September 5, 1989. See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

Amended definition for "evaluation" and for "treatment" by deleting 1.-4. under each definition and recodified those procedures to N.J.A.C. 6:29-9.3.

Recodified by R.1990 d.154, effective March 5, 1990. See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on physical education exemption procedures recodified to N.J.A.C. 6:29-3.2.

Definitions regarding substance abuse recodified from N.J.A.C. 6:29-9.2.

Case Notes

Temporary excuse from physical education class. *J.L. v. Bd. of Ed., West Orange, Essex Cty., 1974 S.L.D. 842.*

6:29-6.3 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures for the evaluation, intervention and referral to treatment of pupils whose use of alcohol and other drugs has affected their school performance or who possess, consume or who on reasonable grounds are suspected of being under the influence of the following substances in school or at school functions:

1. Alcoholic beverages;
2. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2; and/or
3. Any chemical or chemical compound which releases vapor 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. 2A:170-25.9.

(b) In adopting and implementing policies and procedures for the evaluation, intervention and referral to treatment of alcohol or other drug-affected pupils, district boards of education shall:

1. Consult with local agencies approved by the State Department of Health; and

2. Provide for compliance with the confidentiality requirements established in Federal regulations found at 42 CFR Part II.

(c) Alcohol and other drug policies of district boards of education shall include, but not be limited to, the following components:

1. The roles of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving pupils on school property or at school functions;

2. Specific procedures, sanctions and due process provisions for violations of the alcohol and other drug policy requiring disciplinary action by the district board of education. The sanctions should be graded according to the severity of the offense;

3. Specific procedures to govern instances where emergency room services are required in treating alcohol or other drug-affected pupils;

4. The provision of evaluation services for pupils who are affected by alcohol or other drug use. These services shall include any of the following:

i. Examination by a physician for the purpose of diagnosing whether the pupil is under the influence of alcohol and/or other drugs;

ii. Evaluation by the child study team to determine a pupil's eligibility for special education and/or related services when the pupil has been identified as potentially educationally handicapped;

iii. Assessment by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention; and/or

iv. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;

5. The provision of intervention and treatment-referral services for pupils who are affected by alcohol or other drug use. Intervention and treatment-referral shall be provided by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention. These programs and services shall include any of the following:

i. Provisions for a program of instruction, counseling and related services provided by the district board of education while a pupil is receiving medical or therapeutic care for a diagnosed alcohol or other drug dependency problem;

ii. Referral to a community agency approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health;

iii. Providing support services for pupils who are in care or returning from care for alcohol and other drug dependency; and/or

iv. A special class or course designed to meet the needs of pupils with alcohol or other drug use problems;

6. Procedures for cooperating with law enforcement drug operations and activities on or near school property in accordance with the provisions established in N.J.A.C. 6:3-6; and

7. Provisions for the establishment of parent/guardian substance abuse educational programs offered at times and places convenient to the parents of the district on school premises or other facilities.

(d) The policies and procedures for the evaluation, intervention and referral to treatment of alcohol and other drug-affected pupils developed under this section shall be reviewed and approved by the Department of Education.

Amended by R.1989 d.480, effective September 5, 1989.

See: 21 N.J.R. 1603(a), 21 N.J.R. 2784(b).

At (b)2. added provision for compliance with Federal confidentiality requirements; at new (c)4i-iv, delineated evaluation services; at (c)5i-iv delineated treatment services and added new (c)6 and 7.

Recodified by R.1990 d.154, effective March 5, 1990.

See: 21 N.J.R. 3815(a), 22 N.J.R. 793(a).

Rule on physical education exemption procedures recodified to N.J.A.C. 6:29-3.3.

Rule on adoption of policies and procedures recodified from N.J.A.C. 6:29-9.3.

Case Notes

Substance abuse guidance counselor's notes of interviews regarding incident in which high school students were charged with aggravated sexual assault were privileged. *State in Interest of L.P.*, 250 N.J.Super. 103, 593 A.2d 393 (Ch.1991).

Proper manner for determining worker's compensation rate for injured employee holding multiple positions was to aggregate salaries from all three positions. *Stack v. Boonton Bd. of Ed.*, 199 N.J.Super. 121, 488 A.2d 1032 (App.Div.1985).

Alcohol consumption; students prohibited from participation in graduation ceremonies. *R.F. Et Al. v. Board of Education of Park Ridge*, 93 N.J.A.R.2d (EDU) 79.

6:29-6.4 Review and availability of policies and procedures

(a) Each district board of education shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The district board of education shall solicit community input as well as consult with local agencies approved by the State Department of Health in the review process.