

CHAPTER 16

PROGRAMS TO SUPPORT STUDENT DEVELOPMENT

Authority

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:16-1.1 Purpose

These rules specify minimum standards for district boards of education in establishing policies and procedures and in operating programs to support the social, emotional and physical development of students. Programs to support student development include school health services, athletic programs, intervention and referral services, programs of substance use prevention, intervention and treatment referral, school safety and alternative education. Included in these rules are standards for the delivery of educational services to general education students who are excluded from the general school setting for disciplinary reasons.

6A:16-1.2 Scope

These rules apply to the provision of programs and services for all pre-school students with disabilities and all students in kindergarten through grade 12 by New Jersey public school districts, charter schools, licensed schools acting under contract to provide educational services on behalf

of New Jersey public school districts and school programs operated by or under contract with the New Jersey Departments of Corrections and Human Services and the Juvenile Justice Commission.

6A:16-1.3 Definitions

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

“Advanced practice nurse” means a person who holds current certification as nurse practitioner/clinical nurse specialist from the State Board of Nursing.

“AIDS” means Acquired Immunodeficiency Syndrome.

“Alternative education program” means a non-traditional learning environment that addresses the individual learning styles and needs of disruptive or disaffected students at risk of school failure or mandated for removal from general education, that is based upon an Individualized Program Plan and New Jersey Core Curriculum Content Standards and has been approved by the Commissioner of Education.

“Assessment” means those procedures used by school staff to make a preliminary determination of a student’s need for educational programs, supportive services or referral for outside services which extend beyond the general school program by virtue of learning, behavioral or health difficulties of the student or the student’s family.

“Automatic external defibrillator” means a device that automatically detects shockable cardiac arrhythmia and can provide defibrillation as part of basic life support in non-healthcare settings.

“Certified school nurse” means a person who holds a current license as a registered professional nurse from the State Board of Nursing and an Educational Services Endorsement: School Nurse from the Department of Education.

“Delegation” means the transfer of responsibility for performance of an activity from one individual to another, with the former retaining accountability for the outcome.

“Do Not Resuscitate order” or “DNR order” means a written directive signed by the parent or guardian of a student who, after consultation with the pediatrician and other advisors, declines emergency administration of cardiopulmonary resuscitation (CPR) and automatic external defibrillator (AED) to the student.

“Evaluation” means those procedures used by a certified or licensed professional to make a positive determination of a student’s need for programs and services which extend beyond the general school program by virtue of learning, behavior or health difficulties of the student or the student’s family.

“Firearm” means those items enumerated in N.J.S.A. 2C:39-1(f) and 18 U.S.C. § 921.

“Health history” means the record of a person’s past health events obtained by school staff from the individual, a parent or guardian or health care provider.

“Health screening” means procedures designed to detect previously unrecognized conditions as early as possible in order to provide early intervention and remediation and to limit potential disability or negative impact on scholastic performance.

“Home instruction” means the provision of one-to-one instruction in the student’s place of residence or other appropriate setting for disciplinary or safety reasons. Home instruction for reason of disability or medical condition is addressed in N.J.A.C. 6A:14-4.8 and 4.9.

“Independent contractor” means an individual whose employment criteria satisfy those requirements necessary for treatment as an independent contractor for Federal employment tax purposes.

“Individualized Program Plan” means a written plan developed for a student who has been assigned to home instruction or to an alternative education program. The Individualized Program Plan (IPP) sets forth the student’s present level of performance, measurable goals and short-term objectives or benchmarks that encompass behavioral and social competency as well as curriculum, and individually designed instructional activities to achieve the goals and objectives.

“Intervention” means those programs, services and actions taken to identify and offer help to a student at risk for learning, behavior or health difficulties.

“Medical home” means a health care provider and that provider’s practice site chosen by the student’s parent or guardian for the provision of health care.

“Medical staff” means employees of the district board of education serving as school physician, certified or noncertified school nurse, advanced practice nurse, registered nurse, licensed practical nurse, or certified athletic trainer.

“Medical examination” means the assessment of an individual’s health status.

“Medication” means a drug approved by the Federal Food and Drug Administration for preventing, caring for and assisting in the cure of disease and injury that has a written order from a physician licensed in medicine, dentistry or osteopathy or an advanced practice nurse. Medication does not include herbal remedies.

"Noncertified school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and is employed by a district board of education or nonpublic school, and who is not certified as a school nurse by the Department of Education.

"Parent" means the natural parent(s) or adoptive parent(s), legal guardian(s), foster parent(s) or parent surrogate(s) of a student. Where parents are separated or divorced, "parent" means the person or agency who has legal custody of the student, as well as the natural or adoptive parent(s) of the student, provided such parental rights have not been terminated by a court of appropriate jurisdiction.

"Parent surrogate(s)" means an individual or individuals approved by the district board of education in accordance with N.J.A.C. 6:3-6.1 to act on behalf of a student whose parent(s) is not available to assure the student's education rights.

"Physical examination" means the examination of the body by a professional licensed to practice medicine or osteopathy or an advanced practice nurse. The term includes very specific procedures required by statute as stated in N.J.A.C. 6A:16-2.2, except N.J.A.C. 6A:16-2.2(g).

"Referral for evaluation" means those programs and services offered to a student or his or her family in order to make a positive determination regarding a student's need for services which extend beyond the general school program.

"Referral for treatment" means those programs and services offered to a student or to his or her family to help implement the recommendations of an evaluation or in response to the family's request for assistance with a learning, behavior or health difficulty.

"Registered professional nurse" means a person with a current license for this level of practice from the State Board of Nursing.

"Removal" means the exclusion of a student from the general education program in the school to which the student was assigned for the purpose of offering a thorough and efficient, free public education and assignment of the student to an alternative education setting or home instruction.

"School complex" means one building or a group of buildings identified for the purpose of assigning school nurses, pursuant to N.J.A.C. 6A:16-2.1(f)1.

"School physician" means a physician with a current license to practice medicine or osteopathy from the New Jersey Board of Medical Examiners who works under contract or as an employee of a New Jersey school district. This physician is referred to as the medical inspector in N.J.S.A. 18A:40-1.

"Standing orders" means written orders, directives and protocols to carry out medical procedures.

"Substitute school nurse" means a person who holds a current license as a registered professional nurse from the State Board of Nursing and who has been issued a county substitute certificate to serve as a substitute for a certified school nurse in accordance with N.J.A.C. 6:11-4.5.

"Supervision" means the active process of directing, guiding and influencing the outcome of an individual's performance of an activity.

"Suspension" means temporary exclusion of a student from school, following due process procedures.

"Universal precautions" means a set of procedures designed to prevent transmission of human immunodeficiency virus (HIV), hepatitis B virus, and other bloodborne pathogens. Universal precautions involve the use of protective barriers such as gloves, masks or eyewear and procedures for use of sharps and needles to prevent exposure to human blood, other body fluids containing visible blood, semen, vaginal secretions, tissue and cerebrospinal, synovial, pleural, peritoneal, pericardial and amniotic fluids. Universal precautions do not apply to feces, nasal secretions, sputum, sweat, tears, urine and vomitus unless they contain visible blood. Universal precautions do not apply to saliva except in the dental setting where blood contamination of saliva is predictable.

"Weapon" means items that are enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f).

Amended by R.2001 d.309, effective September 4, 2001.
See: 33 N.J.R. 1253(a), 33 N.J.R. 3032(b).

In "School complex", substituted "one building or a group of" for "two or more" preceding "buildings identified".

6A:16-1.4 District policies and procedures

(a) Each district board of education shall approve written policies and programs governing the following school functions and services:

1. Care of any student who becomes injured or ill while at school or during participation in school sponsored activities;
2. Notification of parents or guardians of any student determined to be in need of immediate medical care;
3. Transportation and supervision of any student determined to be in need of immediate medical care;
4. Isolation, exclusion, and readmission of any student or employee suspected of having a communicable disease as required by N.J.S.A. 18A:40-7 to 12 and 18A:40-16 to 18;

5. Exclusion of any student from the school setting for failure to meet requirements for immunization against communicable disease as required in N.J.A.C. 8:57-4;

6. Exclusion of any student from athletic activities based upon the findings of required medical examination and health history pursuant to N.J.A.C. 6A:16-2.2(h);

7. Exclusion of any person from the school setting if the person has uncovered weeping skin lesions as required in N.J.A.C. 8:61-1.1;

8. Assurance that any student with HIV infection or AIDS or who lives with or is related to someone with HIV or AIDS is not excluded from general education, transportation services, extra-curricular activities, athletic activities, assigned to home instruction or classified as eligible for special education for reason of HIV infection as required in N.J.A.C. 8:61-1.1;

9. Administration of medication to students under a physician's written order;

10. Emergency administration of epinephrine via epipen to a student for anaphylaxis pursuant to N.J.S.A. 18A:40-12.5;

11. Provision of medical and nursing services to meet district requirements for health history, medical examination, and health screening as an alternative for students who do not have a medical home or have a religious objection to the required examinations pursuant to N.J.S.A. 18A:35-4.8;

12. Provision of intervention and referral services in each building that meet the requirements of N.J.A.C. 6A:16-7;

13. Development and implementation of a code of student conduct pursuant to N.J.A.C. 6A:16-5.1;

14. Emergency and crisis management plans as required by N.J.A.C. 6A:16-5.2;

15. Removal of students from general education for firearms offenses, assaults with weapon offenses and assaults on district board of education members or employees as required by N.J.A.C. 6A:16-5.5 through 5.7;

16. Prohibition of remotely activating paging devices pursuant to N.J.S.A. 2C:33-19 and N.J.A.C. 6A:16-5.8;

17. Cooperation with law enforcement operations for substances, weapons and safety pursuant to N.J.A.C. 6A:16-6;

18. Comprehensive substance abuse prevention, intervention and treatment referral programs pursuant to N.J.S.A. 18A:40A-8 through 18 and N.J.A.C. 6A:16-3 and 4;

19. Confidentiality related to juvenile justice proceedings pursuant to N.J.S.A. 2A:4A-60 and N.J.A.C. 6A:16-5.4, HIV identifying information pursuant to N.J.S.A. 26:5C-5 et seq., and drug and alcohol use information pursuant to 42 CFR Part 2, N.J.S.A. 18A:40A-7.1 through 7.2, and N.J.A.C. 6A:16-3.2;

20. Provision of nursing services to non-public schools located in the district as required by N.J.S.A. 18A:40-23 through 31 and N.J.A.C. 6A:16-2.4; and

21. Reporting of suspected child abuse and neglect to the Division of Youth and Family Services (DYFS) and cooperation in the investigation of child abuse and neglect pursuant to N.J.A.C. 6A:16-10.2.

(b) Each district board of education shall establish policies and procedures that satisfy the rules and regulations of the New Jersey Department of Health and Senior Services, New Jersey Department of Human Services and local boards of health.

(c) Each district board of education that engages in student testing, studies or surveys shall assure that its procedures and materials meet the Federal requirements of 34 CFR Part 98 titled Protection of Pupil Rights.

6A:16-1.5 Student health records

(a) Each district board of education shall maintain student health records for each student, which include the following mandated records:

1. Findings of health histories, medical examinations and health screenings as required in N.J.A.C. 6A:16-2.2 and 4.3; and

2. Documentation of immunizations against communicable diseases or of exemption from these immunizations as required in N.J.A.C. 8:57-4.

(b) Each district board of education shall use forms and formats for documenting mandated health records as required below:

1. Student immunization records shall be maintained as required by N.J.A.C. 8:57-4.7(a).

i. The records shall be recorded on forms provided by the New Jersey Department of Health and Senior Services; and

ii. The forms shall be filed separately from other student health records for the purpose of immunization record review by local or State health officials.

2. Findings of student health histories, health screenings and required medical examinations that are relevant to school participation shall be recorded on a form as specified by the Commissioner of Education.

1. The district shall provide services only to students of a nonpublic school which has provided to the district board of education a report of the type and number of services provided during the previous school year, if students were provided services during that year, on a form provided by the Commissioner of Education.

2. The funds expended by a district board of education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.

(b) Nursing services shall be provided by a professional registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor. The services shall include:

1. Assistance with medical examinations, including dental screening;

2. Screening of hearing;

3. The maintenance of student health records, with notification of local or county health officials of any student who has not been properly immunized pursuant to N.J.A.C. 8:57-4;

4. Scoliosis examinations of students between the ages of 10 and 18; and

5. The extension of emergency care provided to public school students to those students who are enrolled full-time in the nonpublic school who are injured or become ill at school, or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4(a)1.

(c) Each district board of education may also provide additional services.

1. Such additional medical services may only be provided when all basic nursing services required under (b) have been provided, or will be provided.

2. Such additional medical services may include the necessary equipment, materials and services for immunizing students who are enrolled full-time in the nonpublic school from diseases as required by the State Sanitary Code adopted, pursuant to N.J.S.A. 26:1A-7 and N.J.A.C. 8:57.

3. Equipment comparable to that in use in the district may be purchased for loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district board of education.

4. Costs of supplies comparable to that in use in the district and transportation costs may be charged to the funds allocated for each participating nonpublic school as long as they are directly related to the provision of the required basic nursing services and additional medical services which may be provided.

- iv. Has experienced a fracture or dislocation;
 - v. Has undergone any surgery;
 - vi. Takes any medication on a general basis, the names of such medication and the reasons for such medications;
 - vii. Has allergies including, but not limited to: hives, asthma or reactions to bee stings;
 - viii. Has experienced frequent chest pains or palpitations;
 - ix. Has a recent history of fatigue and undue tiredness;
 - x. Has a history of fainting with exercise; and
 - xi. Has a history of a family member who died suddenly.
2. The medical examination shall include a physical examination which includes, at a minimum, the following:
- i. Measurement of weight, height, and blood pressure;
 - ii. Examination of the skin to determine the presence of infection, scars from previous surgery or trauma, jaundice and purpura;
 - iii. Examination of the eyes to determine visual acuity, use of eyeglasses or contact lenses, and examination of the sclera for the presence of jaundice;
 - iv. Examination of the ears to determine the presence of acute or chronic infection, perforation of the eardrum and gross hearing loss;
 - v. Examination of the nose to assess the presence of deformity which may affect endurance;
 - vi. Assessment of the neck to determine range of motion and the presence of pain associated with such motion;
 - vii. Examination of chest contour;
 - viii. Auscultation and percussion of the lungs;
 - ix. Assessment of the heart with attention to the presence of murmurs, noting rhythm and rate;
 - x. Assessment of the abdomen with attention to the possible presence of hepatomegaly, splenomegaly or abnormal masses;
 - xi. Assessment of the back to determine range of motion or abnormal curvature of the spine;
 - xii. Examination of extremities to determine abnormal mobility or immobility, deformity, instability, muscle weakness or atrophy, surgical scars and varicosities;
 - xiii. Examination of the testes to determine the presence and descent of both testes, abnormal masses or configurations, or hernia;
 - xiv. Assessment of physiological maturation; and
 - xv. Neurological examination to assess balance and coordination.
3. The medical report shall include a determination concerning the student's participation from the examining physician, nurse practitioner/clinical nurse specialist, or physician's assistant.
4. To participate on a school athletic squad or team, each candidate whose medical examination was completed more than 60 days prior to the first practice session shall provide a health history update of medical problems experienced since the last medical examination. This shall be completed and signed by the parent. The health history update shall include the following information:
- i. Hospitalization/operations;
 - ii. Illnesses;
 - iii. Injuries;
 - iv. Care administered by a physician of medicine or osteopathy, advanced practice nurse or physician's assistant; and
 - v. Medications.
5. Each district shall provide written notification signed by the district school physician to the parent or legal guardian stating approval of the student's participation in athletics based upon the medical report pursuant to (h)3 above or the reasons for the school physician's disapproval of the student's participation. The health findings of the medical examination for participation shall be made part of the student's health record and shall be documented on a form issued by the Commissioner of Education.
6. The health findings of the medical examination shall be maintained as part of the student's health record.
- 6A:16-2.3 Required school health services**
- (a) Each district shall perform tuberculosis tests on students using methods as specifically directed by the New Jersey Department of Health and Senior Services, based upon the incidence of tuberculosis or reactor rates in specific communities or population groups as required by N.J.S.A. 18A:40-16.
- (b) Each district board of education shall develop and adopt written policies and procedures for the administration of medication to students and staff, which shall be developed in consultation with the school physician.

1. The policy shall require that only the following individuals be authorized to administer medication to students in schools:

- i. The school physician;
- ii. A certified or noncertified school nurse;
- iii. A substitute school nurse employed by the district;
- iv. The student's parent or guardian;
- v. The student approved to self-administer pursuant to N.J.S.A. 18A:40-12.3 and 12.4; and
- vi. Other school employees trained and designated by the certified school nurse to administer epinephrine in an emergency pursuant to N.J.S.A. 18A:40-12.5 and 12.6.

(c) Reportable, communicable diseases, as identified pursuant to N.J.A.C. 8:57-1, whether confirmed or presumed, shall be immediately reported by telephone to the health officer of the jurisdiction wherein the diagnosis is made.

(d) The certified school nurse shall annually review immunization records to confirm with the medical provider that the medical condition for the exemption from immunization is applicable, pursuant to N.J.A.C. 8:57-4.3.

(e) District boards of education shall develop written policies and procedures for sanitation and hygiene when handling blood and bodily fluids in conformance with N.J.A.C. 8:6.1-1.1(j) and in compliance with Centers for Disease Control guides which direct schools to implement Universal Precautions.

(f) District boards of education provide for implementation of Do Not Resuscitate orders written in consultation with the student's physician and approved by the school physician.

6A:16-2.4 Nursing services to nonpublic school students

(a) District boards of education having nonpublic schools within their district boundaries shall provide basic nursing services to nonpublic school students who are enrolled full-time, within the limits of funds appropriated or otherwise made available for this purpose according to N.J.S.A. 18A:40-23.

1. The district shall provide services only to students of a nonpublic school which has provided to the district board of education a report of the type and number of services provided during the previous school year, if students were provided services during that year, on a form provided by the Commissioner of Education.

2. The funds expended by a district board of education for administrative costs shall be limited to the actual costs or six percent of the funds allocated for each participating nonpublic school, whichever is less.

(b) Nursing services shall be provided by a professional registered nurse licensed in the State of New Jersey who is an employee of the school district, an employee of a third-party contractor, or an independent contractor. The services shall include:

- 1. Assistance with medical examinations, including dental screening;
- 2. Screening of hearing;
- 3. The maintenance of student health records, with notification of local or county health officials of any student who has not been properly immunized pursuant to N.J.A.C. 8:57-4;
- 4. Scoliosis examinations of students between the ages of 10 and 18; and
- 5. The extension of emergency care provided to public school students to those students who are enrolled full-time in the nonpublic school who are injured or become ill at school, or during participation on a school team or squad pursuant to N.J.A.C. 6A:16-1.4(a)1.

(c) Each district board of education may also provide additional services.

1. Such additional medical services may only be provided when all basic nursing services required under (b) have been provided, or will be provided.

2. Such additional medical services may include the necessary equipment, materials and services for immunizing students who are enrolled full-time in the nonpublic school from diseases as required by the State Sanitary Code adopted, pursuant to N.J.S.A. 26:1A-7 and N.J.A.C. 8:57.

3. Equipment comparable to that in use in the district may be purchased for loan without charge to the nonpublic school for the purpose of providing services under this section. However, such equipment shall remain the property of the district board of education.

4. Costs of supplies comparable to that in use in the district and transportation costs may be charged to the funds allocated for each participating nonpublic school as long as they are directly related to the provision of the required basic nursing services and additional medical services which may be provided.

(d) Each chief school administrator or designee of a district in which a nonpublic school is located shall confer annually with the administrator of the nonpublic school for the following purposes:

1. To advise the nonpublic school of the amount of funds allocated to the nonpublic school by the Department of Education or otherwise made available by the district for the provision of nursing services for the full-time students enrolled in the nonpublic schools;

2. To agree on the basic nursing services to be provided and additional medical services which may be provided as set forth in N.J.S.A. 18A:40-23 et seq.;

3. To assure that in the event that the chief school administrator or designee and the nonpublic school administrator cannot reach agreement regarding the nursing services and additional medical services to be provided, the county office of education shall be consulted for clarification; and

4. To assure that each nonpublic school which receives nursing services has a copy of N.J.S.A. 18A:40-23 to 31 and this subchapter.

(e) The nursing services provided to nonpublic school students shall not include instructional services.

(f) A student who is enrolled in a nonpublic school and whose parent or guardian objects to the student receiving any services provided under this subchapter shall not be compelled to receive the services except for a physical or medical examination to determine whether the student is ill or infected with a communicable disease.

(g) Each participating nonpublic school shall receive nursing services based upon its enrollment on the last school day prior to October 16 of the preceding school year.

(h) Each district board of education providing nursing services to nonpublic schools shall retain the following information for monitoring purposes and shall make it available to the Commissioner of Education upon request:

1. A written statement verifying that the required conference was held with the nonpublic school(s);

2. A copy of the contract document and minutes of the district board of education meeting approving the contract, which describe the methods by which the nursing services to the nonpublic school students will be provided for the ensuing year and a rationale for the distribution of funds; and

3. A description of the type and number of services which were provided during the previous school year to students in each nonpublic school on a form provided by the Commissioner of Education as required in N.J.A.C. 6A:16-2.4(a).

SUBCHAPTER 3. COMPREHENSIVE SUBSTANCE ABUSE PROGRAMS

6A:16-3.1 Establishment of comprehensive alcohol, tobacco and other drug abuse programs

(a) Each district board of education shall establish a comprehensive program of prevention, intervention, referral for evaluation, referral for treatment and continuity of care for student alcohol, tobacco and other drug abuse in the public elementary and secondary schools of the district according to the requirements of N.J.S.A. 18A:40A-10.

1. The purpose of the prevention component of the program shall be to:

- i. Keep students from using alcohol, tobacco or other drugs;

- ii. Reduce the incidence and prevalence of student alcohol, tobacco and other drug abuse;

- iii. Reduce the age of onset of students' first use of alcohol, tobacco or other drugs;

- iv. Reduce the factors that place students at risk for involvement with alcohol, tobacco or other drugs through school and community-based planning processes;

- v. Contribute to the development of school environments and alternative activities that are alcohol, tobacco and other drug-free;

- vi. Increase the knowledge and skills of students, staff and community members for avoiding the harmful effects of alcohol, tobacco and other drug use; and

- vii. Actively involve staff, parents and other community members in the development and implementation of prevention program plans.

2. The purpose of the intervention, referral for evaluation and referral for treatment components of the program shall be to:

- i. Identify students who are at risk for, or who have exhibited, alcohol, tobacco or other drug abuse or related problems;

- ii. Help students or their families who have requested assistance for an alcohol, tobacco or other drug abuse problem;

- iii. Make a preliminary assessment of a student's need for educational programs, supportive services or treatment which extends beyond the general school program by virtue of the use of alcohol, tobacco or other drugs by the student or the student's family;

- iv. Refer students for evaluation to make a positive determination regarding a student's need for alcohol, tobacco or other drug treatment; and

v. Help a student or a student's family follow through on the recommendations of an evaluation which has positively determined the harmful use of alcohol, tobacco or other drugs by the student or the student's family.

3. The purpose of the continuity of care component of the program shall be to:

- i. Assist with the provision of educational programs and services for students in treatment; and
- ii. Plan and provide supportive services for students who are returning from treatment.

4. Each district board of education shall ensure that all educational staff members receive in-service training in alcohol, tobacco and other drug abuse prevention and intervention according to the requirements of N.J.S.A. 18A:40A-3 and 15. The in-service training shall be updated annually in order to ensure educational staff members have the most current information available on the subject of substance abuse and the district's comprehensive alcohol, tobacco and other drug abuse program, policies and procedures.

5. Substance awareness coordinators employed by district boards of education shall assist local school districts in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 18 and N.J.A.C. 6A:16-3 through 7.

6. Each district board of education shall establish educational programs on alcohol, tobacco and other drug abuse for parents and guardians according to the requirements of N.J.S.A. 18A:40A-16 and 17(a) and offered at times and places convenient to the parents and guardians of enrolled students.

7. Each district board of education shall make and enforce regulations to prohibit the smoking of tobacco anywhere in its buildings, except as part of a classroom instruction or theatrical production, according to the requirements of N.J.S.A. 26:3D-17.

6A:16-3.2 Confidentiality of student alcohol and other drug information

(a) Each district board of education shall assure compliance with the following confidentiality requirements:

1. Confidentiality of alcohol and drug abuse patient records, pursuant to 42 CFR Part 2; and
2. Confidentiality of information provided by an elementary or secondary school student while participating in a school-based drug and alcohol counseling program which indicates that the student's parent or other person residing in the student's household is dependent upon or illegally using substances pursuant to N.J.S.A. 18A:40A-7.1 and 7.2.

SUBCHAPTER 4. PROCEDURES FOR SUBSTANCE ABUSE INTERVENTION

6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse

(a) Each district board of education shall adopt and implement policies and procedures for the assessment, intervention, referral for evaluation, referral for treatment, and discipline of students whose use of alcohol or other drugs has affected their school performance, or for students who consume or who are suspected of being under the influence of the following substances in school or at school functions, according to the requirements of N.J.S.A. 18A:40A-9, 10 and 11:

1. Alcoholic beverages;
2. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2;
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;
4. Over-the-counter and prescription medications which are improperly used to cause intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system; and
5. Anabolic steroids.

(b) In adopting and implementing policies and procedures for the assessment, intervention, referral for evaluation and referral for treatment of alcohol or other drug-affected students, district boards of education shall consult with community agencies licensed by the New Jersey Department of Health and Senior Services, Division of Addiction Services, out-of-State agencies licensed by the appropriate State regulatory agency for alcohol and other drug services or private practitioners certified by the appropriate drug and alcohol licensing board.

(c) Each district board of education's alcohol and other drug policies for students using substances, as defined in N.J.A.C. 6A:16-4.1(a), shall include the following components:

1. The role of appropriate school staff when handling a variety of possible alcohol or other drug-related situations involving students 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, including consequences for not following through on the recommendations of an evaluation for alcohol or other drug abuse and related behaviors. The sanctions should be graded according to the severity of the offense, the nature of the problem and the student's needs;