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ASSEMBLY, No. 462

STATE OF NEW JERSEY

213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblyman JOHN J. BURZICHELLI

District 3 (Salem, Cumberland and Gloucester)

Assemblyman JOSEPH VAS

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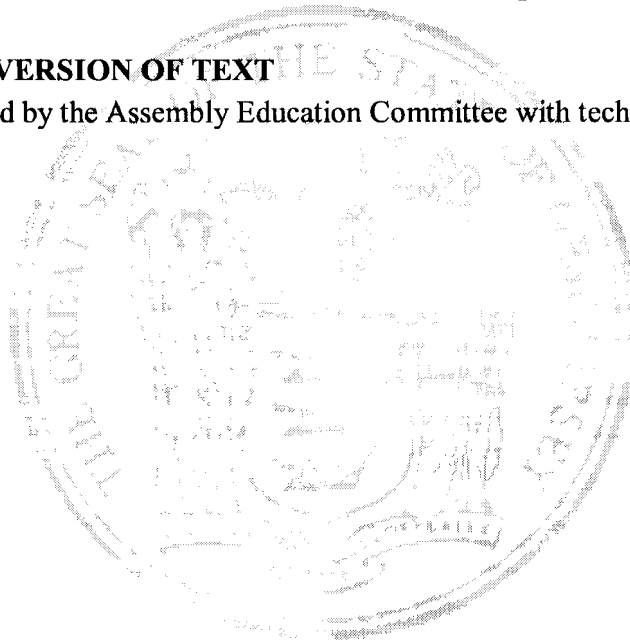
Assemblyman Diegnan and Senator Singer

SYNOPSIS

Modifies reference from "substance awareness coordinator" to "student assistance coordinator" in substance abuse programs in public schools.

CURRENT VERSION OF TEXT

As reported by the Assembly Education Committee with technical review.



(Sponsorship Updated As Of: 2/24/2009)

A462 MALONE, BURZICHELLI

2

1 AN ACT concerning certain employees in substance abuse programs
2 in public schools and amending P.L. 1987, c.387.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 5 of P.L. 1987, c.387 (C.18A:40A-12) is amended to
8 read as follows:

9

10 a. Whenever it shall appear to any teaching staff member, school
11 nurse or other educational personnel of any public school in this
12 State that a pupil may be under the influence of substances as
13 defined pursuant to section 2 of this act, other than anabolic
14 steroids, that teaching staff member, school nurse or other
15 educational personnel shall report the matter as soon as possible to
16 the school nurse or medical inspector, as the case may be, or to a
17 **[substance awareness]**student assistance coordinator, and to the
18 principal or, in his absence, to his designee. The principal or his
19 designee, shall immediately notify the parent or guardian and the
20 superintendent of schools, if there be one, or the administrative
21 principal and shall arrange for an immediate examination of the
22 pupil by a doctor selected by the parent or guardian, or if that
23 doctor is not immediately available, by the medical inspector, if he
24 is available. If a doctor or medical inspector is not immediately
25 available, the pupil shall be taken to the emergency room of the
26 nearest hospital for examination accompanied by a member of the
27 school staff designated by the principal and a parent or guardian of
28 the pupil if available. The pupil shall be examined as soon as
29 possible for the purpose of diagnosing whether or not the pupil is
30 under such influence. A written report of that examination shall be
31 furnished within 24 hours by the examining physician to the parent
32 or guardian of the pupil and to the superintendent of schools or
33 administrative principal. If it is determined that the pupil was under
34 the influence of a substance, the pupil shall be returned to his or her
35 home as soon as possible and shall not resume attendance at school
36 until the pupil submits to the principal a written report certifying
37 that he or she is physically and mentally able to return thereto,
38 which report shall be prepared by a personal physician, the medical
39 inspector or the physician who examined the pupil pursuant to the
40 provisions of this act.

41 In addition, the pupil shall be interviewed by a **[substance**
42 **awareness]**student assistance coordinator or another appropriately
43 trained teaching staff member for the purpose of determining the
44 extent of the pupil's involvement with these substances and possible
45 need for treatment. In order to make this determination the
46 coordinator or other teaching staff member may conduct a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 reasonable investigation which may include interviews with the
2 pupil's teachers and parents. The coordinator or other teaching staff
3 member may also consult with such experts in the field of substance
4 abuse as may be necessary and appropriate. If it is determined that
5 the pupil's involvement with and use of these substances represents
6 a danger to the pupil's health and well-being, the coordinator or
7 other teaching staff member shall refer the pupil to an appropriate
8 treatment program which has been approved by the Commissioner
9 of Health.

10 b. Whenever any teaching staff member, school nurse or other
11 educational personnel of any public school in this State shall have
12 reason to believe that a pupil has used or may be using anabolic
13 steroids, that teaching staff member, school nurse or other
14 educational personnel shall report the matter as soon as possible to
15 the school nurse or medical inspector, as the case may be, or to a
16 [substance awareness]student assistance coordinator, and to the
17 principal or, in his absence, to his designee. The principal or his
18 designee, shall immediately notify the parent or guardian and the
19 superintendent of schools, if there be one, or the administrative
20 principal and shall arrange for an examination of the pupil by a
21 doctor selected by the parent or guardian or by the medical
22 inspector. The pupil shall be examined as soon as possible for the
23 purpose of diagnosing whether or not the pupil has been using
24 anabolic steroids. A written report of that examination shall be
25 furnished by the examining physician to the parent or guardian of
26 the pupil and to the superintendent of schools or administrative
27 principal. If it is determined that the pupil has been using anabolic
28 steroids, the pupil shall be interviewed by a [substance
29 awareness]student assistance coordinator or another appropriately
30 trained teaching staff member for the purpose of determining the
31 extent of the pupil's involvement with these substances and possible
32 need for treatment. In order to make this determination the
33 coordinator or other teaching staff member may conduct a
34 reasonable investigation which may include interviews with the
35 pupil's teachers and parents. The coordinator or other teaching staff
36 member may also consult with such experts in the field of substance
37 abuse as may be necessary and appropriate. If it is determined that
38 the pupil's involvement with and use of these substances represents
39 a danger to the pupil's health and well-being, the coordinator or
40 other teaching staff member shall refer the pupil to an appropriate
41 treatment program which has been approved by the Commissioner
42 of Health.

43 (cf: P.L.1989, c.216, s.2)

44

45 2. Section 6 of P.L.1987, c.387 (C.18A:40A-13) is amended to
46 read as follows:

47 6. No action of any kind in any court of competent jurisdiction

1 shall lie against any teaching staff member, including a [substance
2 awareness]student assistance coordinator, any school nurse or other
3 educational personnel, medical inspector, examining physician or
4 any other officer, agent or any employee of the board of education
5 or personnel of the emergency room of a hospital because of any
6 action taken by virtue of the provisions of this act, provided the
7 skill and care given is that ordinarily required and exercised by
8 other such teaching staff members, nurses, educational personnel,
9 medical inspectors, physicians or other officers, agents, or any
10 employees of the board of education or emergency room personnel.
11 (cf: P.L.1992, c.158, s.1)

12

13 3. Section 7 of P.L. 1987, c.387 (C.18A:40A-14) is amended to
14 read as follows:

15 7. Any teacher, guidance counselor, school psychologist, school
16 nurse, [substance awareness]student assistance coordinator or other
17 educational or noneducational personnel, employed by or in any of
18 the public or private schools of this State, who in good faith reports
19 a pupil to the principal or his designee or to the medical inspector or
20 school physician or school nurse in an attempt to help such pupil
21 cure his abuse of substances as defined in section 2 of this act, shall
22 not be liable in civil damages as a result of making any such report.

23 Nothing in this section is intended to preclude the protections
24 provided in section 2 of P.L.1971, c.414 (C.2A:62A-4) or otherwise
25 provided by law.

26 (cf: P.L.1992, c.158, s.2)

27

28 4. Section 11 of P.L.1987, c.387 (C.18A:40A-18) is amended to
29 read as follows:

30 11. The Commissioner of Education, in consultation with the
31 Commissioner of Health and Senior Services, shall develop and
32 administer a program which provides for the employment of
33 [substance awareness]student assistance coordinators in certain
34 school districts.

35 a. Within 90 days of the effective date of this act, the
36 Commissioner of Education shall forward to each local school
37 board a request for a proposal for the employment of a [substance
38 awareness]student assistance coordinator. A board which wants to
39 participate in the program shall submit a proposal to the
40 commissioner which outlines the district's plan to provide substance
41 abuse prevention, intervention and treatment referral services to
42 students through the employment of a [substance
43 awareness]student assistance coordinator. Nothing shall preclude a
44 district which employs a [substance awareness]student assistance
45 coordinator at the time of the effective date of this act from
46 participating in this program. The commissioner shall select school
47 districts to participate in the program through a competitive grant

1 process. The participating districts shall include urban, suburban
2 and rural districts from the north, central and southern geographic
3 regions of the State with at least one school district per county. In
4 addition to all other State aid to which the local district is entitled
5 under the provisions of P.L.2007, c.260 (C.18A:7F-43 et al.) and
6 other pertinent statutes, each board of education participating in the
7 program shall receive from the State, for a three-year period, the
8 amount necessary to pay the salary of its [substance
9 awareness]student assistance coordinator.

10 b. The position of [substance awareness]student assistance
11 coordinator shall be separate and distinct from any other
12 employment position in the district, including, but not limited to
13 district guidance counselors, school social workers and school
14 psychologists. The State Board of Education shall approve the
15 education and experience criteria necessary for employment as a
16 [substance awareness]student assistance coordinator. The criteria
17 shall include a requirement for certification by the State Board of
18 Examiners. In addition to the criteria established by the State board,
19 the Department of Education and the Department of Health and
20 Senior Services shall jointly conduct orientation and training
21 programs for [substance awareness]student assistance coordinators,
22 and shall also provide for continuing education programs for
23 coordinators.

24 c. It shall be the responsibility of [substance awareness]student
25 assistance coordinators to assist local school districts in the
26 effective implementation of this act. Coordinators shall assist with
27 the in service training of school district staff concerning substance
28 abuse issues and the district program to combat substance abuse;
29 serve as an information resource for substance abuse curriculum
30 development and instruction; assist the district in revising and
31 implementing substance abuse policies and procedures; develop and
32 administer intervention services in the district; provide counseling
33 services to pupils regarding substance abuse problems; and, where
34 necessary and appropriate, cooperate with juvenile justice officials
35 in the rendering of substance abuse treatment services.

36 d. The Commissioner of Education, in consultation with the
37 Commissioner of Health and Senior Services, shall implement a
38 plan to collect data on the effectiveness of the program in treating
39 problems associated with substance abuse and in reducing the
40 incidence of substance abuse in local school districts. Six months
41 prior to the expiration of the program authorized pursuant to this
42 section, the Commissioner of Education shall submit to the
43 Governor and the Legislature an evaluation of the program and a
44 recommendation on the advisability of its continuation or expansion
45 to all school districts in the State.

46 (cf: P.L.2007, c.260, s.68)

A462 MALONE, BURZICHELLI

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- 1 5. This act shall take effect immediately.

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4 SPONSOR'S STATEMENT

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6 Under this bill, all references to "substance awareness
7 coordinators" are changed to "student assistance coordinators" to
8 more accurately reflect the job descriptions currently in use by the
9 majority of the school districts in the State. The current law makes
10 various references to "substance awareness coordinators" and their
11 role and contribution to substance abuse programs in the public
12 schools.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 462

STATE OF NEW JERSEY

DATED: JANUARY 28, 2008

The Assembly Education Committee reports favorably Assembly Bill No. 462.

This bill modifies the title of “substance awareness coordinators” in school districts to “student assistance coordinators” for certain school district personnel. The bill would not impact the duties that these individuals perform. The purpose of the change is to avoid stigmatizing students who meet with these members of the school district staff.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 462

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Senate Education Committee favorably reports Assembly Bill No. 462.

This bill modifies the title of “substance awareness coordinators” in school districts to “student assistance coordinators” for certain school district personnel. The bill would not impact the duties that these individuals perform. The purpose of the change is to avoid stigmatizing students who meet with these members of the school district staff.

As reported by the committee, this bill is identical to Senate Bill No. 208, which also was reported by the committee on this same date.

S208 SINGER

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1 to all school districts in the State.
2 (cf: P.L.1987, c.387, s.11)

3

4 5. This act shall take effect immediately.

5

6

7 SPONSOR'S STATEMENT

8

9 This bill amends current law concerning substance abuse
10 prevention, intervention, and treatment referral programs in the
11 public schools to change references to "substance awareness
12 coordinators" in the school districts to "student assistance
13 coordinators."

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 208

STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Senate Education Committee favorably reports Senate Bill No. 208.

This bill modifies the title of “substance awareness coordinators” in school districts to “student assistance coordinators” for certain school district personnel. The bill would not impact the duties that these individuals perform. The purpose of the change is to avoid stigmatizing students who meet with these members of the school district staff.

This bill was pre-filed for introduction in the 2008-2009 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As reported by the committee, this bill is identical to Assembly Bill No. 462, which also was reported by the committee on this same date.