5/14/10 – In an email address to NCLB Directors, Gary L. Vermeire, Program Coordinator Safe and Drug-Free Schools Unit, Office of Educational Support Services clarifies Statute and Law. This email was in response to a question," *Is it mandatory for a school district to have a Substance Awareness Coordinator."*

NCLB Project Directors,

…This should answer the question. FYI. On May 6, 2009 the Governor signed legislation that changed the title from "substance awareness coordinator" to "student assistance coordinator" under P.L. 2009, Chapter 54. However, schools can use whatever functional title works for them, as long as the SAC is working under a valid SAC endorsement and is performing within the mandated SAC functions. There is no position or independent function with the title of "substance abuse coordinator" or "substance abuse counselor."

School districts are *not mandated to employ* student assistance coordinators (although many do; approximately 400 SACs are employed by NJ schools). However, all school districts *must fulfill the responsibilities or functions* for student assistance coordinators (SACs) established at N.J.S.A. 18A:40A-18, and it is difficult to see how this district coordination role could be performed (N.J.A.C. 6A:16-3.1(a)5), as intended by the Legislature, without employing a SAC in the position. If a district chooses not to employ a SAC to perform the mandated functions, it must have *appropriately certificated staff fulfilling each of the six mandated function*s, as appropriate to their endorsements. For example, the director of student personnel services or the school counselor could fulfill the intervention services requirement, and the director of curriculum and instruction could fulfill the substance abuse curriculum and development requirement, and so on for each of the mandated functions. When districts choose not to employ a SAC, it is *strongly recommended* that they have a *written plan* documenting how they fulfill the SAC requirements, particularly for NJQSAC purposes.

Whether or not a district employs a SAC, each school district is required to have and fulfill the requirements for comprehensive alcohol, tobacco and other drug abuse programs (N.J.A.C. 6A:16-3), procedures for alcohol and other drug abuse intervention (N.J.A.C. 6A:16-4), law enforcement operations for alcohol, other drugs, weapons and safety (N.J.A.C. 6A:16-6) and intervention and referral services (N.J.A.C. 6A:16-8). As part of this comprehensive program, pursuant to N.J.S.A. 18A:40A-18 and N.J.A.C. 6A:16-3.1(a)5, each school district is required to fulfill the *requirements/functions* of a student assistance coordinator (SAC) position.

Pursuant to N.J.S.A. 18A:40A-18(b) and N.J.A.C. 6A:9-13.2 (the SAC certification regulations), the State Board of Education has established an Educational Services Certificate with the substance awareness coordinator (the title in our regulations has not yet been amended) endorsement issued by the New Jersey State Board of

Examiners that is required for individuals to be employed as a SAC in a district. As the title implies, the position is intended as a coordinating role and is meant to assist school districts in the effective implementation of the requirements of N.J.S.A. 18A:40A-1 through 18, N.J.A.C. 6A:16-3 and N.J.A.C. 6A:9-13.2. Therefore, the SAC position/functions are not intended primarily as a counseling role.

The employment of a SAC is not related to funding. No categorical funding is provided for a district's entire comprehensive substance abuse program, including the SAC position or other individuals performing the SAC functions. As a State statutory requirement, however, schools may use their State educational aide and locally assessed educational funds to employ or contract the services of a SAC and implement mandated comprehensive programs, or schools may request a waiver to the science-based requirement to use their annual Federal allotment under Title IV-A (Safe and Drug-Free Schools and Communities Act) as supplemental funding to either employ SACs or to implement substance abuse programs, services and activities. School districts, particularly those choosing to use SACs, will typically use their State aide, locally assessed educational funds, Federal Title IV-A (Safe and Drug-Free Schools and Communities Act) funds, Municipal Alliance funds, grant funds or other resources to support the SAC position or functions.

Gary L. Vermeire, Program Coordinator
Safe and Drug-Free Schools Unit
Office of Educational Support Services
Division of Student Services
New Jersey Department of Education
P.O. Box 500
Trenton, NJ 08625-0500
phone: (609) 292-5935
fax: (609) 633-9655
e-mail: gary.vermeire@doe.state.nj.us