

DRUGS, ALCOHOL, TOBACCO

The primary objective of this policy and accompanying regulation is to devote the energies of the board, administration and instructional staff of the school district to the prevention of substance use and from the proliferation of the same into our schools, with the prime concern of protecting non-using pupils, and further, the destruction of the potential marketplace which schools can easily become.

The board of education recognizes that:

- ① chemical abuse and chemical addiction are serious social problems that have far reaching implications for both the user of chemical substances and for the entire community.
- ① chemical dependency, including alcoholism, is a treatable health problem which does not respect any group or age. This disease affects not only the dependent person, but all who come into contact with him/her.
- ① a student may become harmfully involved with some drug; threatening the safety and well-being of himself/herself and/or others.

The board accepts responsibility for instructing pupils about the nature of chemical substances and their effects and for assisting in early identification and remediation of pupils who become involved with chemical substances. The board directs the superintendent to cooperate and consult with appropriate state and local agencies in the development of appropriate curriculum and procedures to implement this policy.

For purposes of this policy, "drugs" or "substance" shall mean:

- A. All controlled dangerous substances as so designated and prohibited in New Jersey statutes; all chemicals which release toxic vapors as defined and prohibited in New Jersey statutes;
- B. All alcoholic beverages;
- C. Any prescription drug or over-the-counter drug, except those for which permission for use in school has been granted pursuant to board policy;
- D. Anabolic steroids.

"Substance abuse" shall mean the consumption or use of any substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

The board prohibits the use, possession or distribution of any drug by pupils, staff or others on school property.

The superintendent shall be responsible for the district's efforts to:

- A. Establish procedures for evaluation, referral for treatment and discipline of pupils involved in incidents of possession or abuse (N.J.S.A. 18A:40A-11)
- B. Establish and maintain an ongoing in-service drug and alcohol education program for all school personnel including anabolic steroids in the areas of identification and response to substance abuse; (N.J.S.A. 18A:40A-15)

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- C. Counsel pupils involved in drug/alcohol use including anabolic steroids; (N.J.S.A. 18A:40A-18)
- D. Cooperate with local, state, federal and approved private agencies that are involved with pupil health and drugs or alcohol. (N.J.S.A. 18A:40A-11, N.J.S.A. 18A:40A-18)
- E. Encourage and support pupil-run organizations and activities that will develop a positive peer influence in the area of drugs and alcohol; (N.J.S.A. 18A:4-28.2)
- F. Provide time for in-service training during the usual school schedule to ensure that appropriate staff members are prepared to teach the educational program in each grade of the school district; (N.J.S.A. 18A:40-3a)
- G. Provide programs on drugs, alcohol and controlled dangerous substances appropriate to age and understanding grades kindergarten through 12, using state department of education guidelines for curriculum; (N.J.S.A. 18A:40A-1)
- H. Cooperate with nonpublic schools including parents/guardians in the loaning of any educational materials of alcohol, drugs including anabolic steroids for their pupils; (N.J.S.A. 18A:40A-5 and N.J.S.A. 18A:40A-17)
- I. Distribute the written policy which outlines the district program to combat substance abuse to pupils and their parents/guardians at the beginning of each school year; (N.J.S.A. 18A:40A-10)
- J. Provide convenient programs in substance abuse education to parents/guardians of the district on school premises or other facilities; (N.J.S.A. 18A:40A-17) (N.J.A.C. 6:29-6.3)
- L. Provide assistance to parents and legal guardians who believe their children are involved with substance abuse; (N.J.S.A. 18A:40A-17)
- M. Provide for emergency treatment identification and evaluation of pupils who may be

under the influence of alcohol, drugs or anabolic steroids; (N.J.S.A. 18A:40A-12) (N.J.A.C. 6:29-6.5)

- N. Ensure cooperation between school staff and law enforcement authorities in all matters relating to the use, possession and distribution of controlled dangerous substances and drug paraphernalia; (N.J.A.C. 6:29-10.2)
- O. Establish procedure for referral to treatment, contact with treatment agencies, reentry and after care contact for those pupils identified as needing alcohol/drug treatment. (N.J.A.C. 6:29-6.3(c)5)

To accomplish this in accordance with law, the superintendent shall prepare rules, procedures and programs for board adoption which will:

- A. Provide appropriately certified and trained staff to help in the identification, evaluation and counseling of pupils suspected of or diagnosed as being alcohol, drug or anabolic steroid users; (N.J.S.A. 18A:40A-9-12)
- B. Provide for the cooperation of such staff with recommended local agencies in the evaluation, treatment, and counseling of such pupils; (N.J.A.C. 6:29-6.3(c)5 and N.J.S.A. 18A:35-21 and 31)

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- C. Provide for the immediate medical examination of pupils suspected to be under the influence of drugs, drugs or anabolic steroids and for emergency treatment when needed; (N.J.S.A. 18A:35.25 and 31, N.J.A.C. 6:29-6.5 and N.J.S.A. 18A:40A12)
- D. Provide for notification of local law enforcement agencies as appropriate; (N.J.A.C. 6:29-10.3)
- E. Provide for notification of parents/guardians when a pupil is suspected or identified as involved with alcohol, drugs or anabolic steroids; (N.J.S.A. 18A:40A-12)
- F. Provide specific penalties for possession, use and/or dealing in alcohol, drugs, and anabolic steroids. The penalties shall be graded to reflect the seriousness of the act, and the age and competence of the offender. These disciplinary regulations shall be disseminated to all pupils, parents/guardians and staff annually. (Rahway School Board Regulation 5131)

The district shall devise and provide a continuing educational program for pupils not attending classes for alcohol, drug, and anabolic steroids related reasons. As prescribed by law, a pupil diagnosed as being under the influence of alcohol, drugs or anabolic steroids shall not return to school without a written report that the pupil is physically and mentally able to return to school. This report must be made by a physician who has examined the pupil to determine drug use.

The policy and procedures shall be submitted to the state department of education for approval.

The superintendent shall enlist the aid of pupils, parents/guardians, teachers, administrators, members of the community and representatives of involved agencies in a district-wide effort to implement this policy.

The effectiveness of this policy and implementing procedures shall be reviewed annually by the board, which shall solicit input from the community and local agencies in the process. All necessary reports of incidents to the state department of education shall be made.

Smoking

Smoking is not permitted in school district buildings.

Enforcement of Drug-Free School Zones

The Board of Education of Rahway recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. The board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The board shall, therefore, establish a formal memorandum of agreement with the appropriate law enforcement authorities and set forth the following policies and procedures after consultation with the county prosecutor and approval by the county superintendent of schools. The memorandum of agreement shall be consistent with the school zone enforcement code (N.J.A.C. 6:3-6.1-6.6), statewide action plan for narcotics enforcement and the attorney general's executive directive 1988-1.

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Law Enforcement Liaison

In order to ensure that such cooperation continues, the board directs the superintendent to designate a school district liaison(s) to law enforcement agencies and to prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the district's collective bargaining agreement, if applicable.

Undercover Operations

The board hereby recognizes that the superintendent may request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective. The board hereby authorizes

the superintendent to request such intervention under these circumstances. The board recognizes that the superintendent is not permitted to ask the board's approval for his/her action and is not permitted to discuss any aspect of the undercover operation until authorized to do so by law enforcement authorities.

The board recognizes that law enforcement authorities may contact the superintendent to request that an undercover operation be established in a district school. The board recognizes that the superintendent is prohibited from discussing the request with the board. The board hereby authorizes the superintendent to act upon any such request in the manner that he/she determines is in conformity with the law and the attorney general's executive directive 1988-1 and that is in the best interests of the pupils and the school district.

The board directs the superintendent and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The superintendent, principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to the county prosecutor or designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the superintendent shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests.

Any school employee who has reason to believe a pupil(s) or a staff member(s) is using or distributing controlled dangerous substances or drug paraphernalia on school premises shall bring that information to the building principal who, in turn, shall report same to the superintendent. The superintendent shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, the superintendent will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the superintendent may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no exigent circumstances exist, the superintendent and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general pupil population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The superintendent or the principal shall immediately notify the pupil's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

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Whenever the police have been summoned to a school building by the superintendent, the superintendent shall report the reason the police were summoned and any pertinent information to the board at its next regular meeting. If confidentiality is required, the report shall be made in executive session.

Pupil Searches and Securing Physical Evidence

The building principal or his/her designee may conduct a search of a pupil's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the pupil is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in *New Jersey v. T.L.O.*, U.S. 325 (1985), as set forth in Appendix C of the Attorney General's Statewide Action Plan for Narcotics Enforcement, if, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building principal; the principal shall immediately notify the superintendent who shall immediately, in turn, notify the appropriate law enforcement agency. The principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up.† The principal shall then contact the pupil's parent/guardian to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a pupil's person or belongings is necessary, or an interrogation is to be conducted, the superintendent shall request that the law enforcement officials conduct the search, seizure, or interrogation.

Police Presence at Extracurricular Activities

The superintendent is hereby authorized to contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the superintendent believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd or traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The board authorizes the superintendent to contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the county level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

Confidentiality of Pupil Involvement in Intervention and Treatment Programs

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school

intervention or treatment program shall be kept strictly confidential.† See 42 C.F.R. 2 and N.J.A.C. 6:3-6.6.

In-service Training

The superintendent will ensure that all district employees receive annual in-service training to make them aware of their responsibilities in accordance with board policies and N.J.A.C. 6:3-6.3 et seq.

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Annual Review

The board will review annually the effectiveness of these policies and the memorandum of agreement entered into with the appropriate law enforcement agency. As part of this review, the board will consult with the county superintendent, local community members, and the county prosecutor's office.

Availability of Policy

The policies and procedures contained herein shall be made available to all staff, pupils, and parents/guardians on an annual basis.

Date: September 6, 1988

Revised: July 17, 1990

Revised: March 16, 1999

Revised: March 20, 2001

Legal References:

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| N.J.S.A. 2A:62A-4 | Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability |
| N.J.S.A. 2A:170-25.9 | Definitions |
| N.J.S.A. 2C:29-3a | Hindering apprehension or prosecution |
| N.J.S.A. 2C:33-15 | Possession or consumption of alcoholic beverage in public place or motor vehicle by person under legal age |
| N.J.S.A. 2C:33-16 | Alcoholic beverages; bringing or possession on school property by person of legal age; penalty |
| N.J.S.A. 2C:33-17 | Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions |
| N.J.S.A. 2C:35 -1 et seq. | New Jersey Comprehensive Drug Reform Act of 1987 |

See particularly:

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| N.J.S.A. 2C:35-10 | |
| N.J.S.A. 9:17A-4 | Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality |
| N.J.S.A. 18A:25-2 | Authority over pupils |
| N.J.S.A. 18A:37-1 | Submission of pupils to authority |
| N.J.S.A. 18A:37-2 | Causes for suspension or expulsion of pupils |
| N.J.S.A. 18A:36-19.2 | Student locker or other storage facility; inspections; notice to students |
| N.J.S.A. 18A:40A | Substance abuse |
| See particularly: | |
| N.J.S.A. 18A:40A | -1, 3, -4, -5, -9, -10, -11, -12, -13, -14, -15, -16, -18, -19 |
| N.J.S.A. 24:21-2 | Definitions (New Jersey controlled dangerous substances) |
| N.J.S.A. 26:3D-15-21 | Legislative findings and declarations ... (smoking in educational institutions) |
| N.J.A.C. 6:3-6 | Drug-free school zone |
| N.J.A.C. 6:8-4.3(a)2v | Evaluation of elements and standards (school and community relations) |
| N.J.A.C. 6:8-4.3(a)3i | Evaluation of elements and standards (curriculum and instruction) |
| N.J.A.C. 6:11-12.5 | Substance awareness coordinator |
| N.J.A.C. 6:28-2.8 | Disciplinary action |
| N.J.A.C. 6:29-6 | Substance abuse |

Attorney General's Executive Directive No. 1988-1

Anti Drug Abuse Act of 1988 - November, 1988

Drug Free Workplace Act of 1988 Enacted November, 1988
(Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308

Regulations Under Drug Free Workplace Act 54 F.R. 4946 (1/31/89)

42 CFR Part 2--Confidentiality of alcohol and drug abuse patient records
F.G. v. Bd. of Ed. of Hamilton, 1982 S.L.D. 382

G.L.H. v. Bd. of Ed. of Hopewell Valley Regional School District, et al., 1987 S.L.D.
April 20, aff'd St. Bd. 1987 S.L.D. Sept. 2

State in the Interest of T.L.O. 94 N.J. 331 (1983)

New Jersey v. T.L.O. 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud 94 N.J. 331 (1983)

Honig v. Doe 108 S. Ct. 592 (1988)

Palmer by Palmer v. Merluzzi 868 F.2d 90 (C.A.N.J. 1989)

Odenheim v. Carlstadt-East Rutherford Regional Board of Education 211
NJ Super 54 (Ch. Div. 1985)

Executive Directive No. 1988-1

Manual for the Evaluation of Local School Districts (P.T.M.
No. 700.7, revised July 1988)

Cross References: 1410 Local units
5114 Suspension and expulsion/pupil due process
5125 Pupil records
5141 Health
5141.21 Administering medication
5144 Discipline/punishment
5145.12 Search and seizure