

Policy

5131.6

Board of Education Hardyston Township

DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

Drugs, Alcohol, Tobacco, and Steroids

It is the responsibility of the Hardyston Board of Education to safeguard the health, character, citizenship, and personality development of the students in its schools. We, therefore, must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful. The Board of Education recognizes that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of that student and the welfare of the entire school community. The Board of Education is committed to the prevention of drug, alcohol, tobacco and steroid abuse and the rehabilitation of identified abusers.

Students

For the purpose of this policy, "drug" includes all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and all chemicals that release toxic vapors set forth in N.J.S.A. 2C:35-10.4 et seq.

- A. The Board of Education prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, or steroids on school premises, and at any event away from the school provided by the Board. Compliance with a drug-free standard of conduct at all school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, tobacco, or steroids will be identified, evaluated, and reported in accordance with the law. Assessment will 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 Board of Examiners and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, tobacco or steroids on school premises or while attending a school-sponsored activity will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspected of involvement with alcohol, drugs or steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up.
- B. The Board will enforce the laws of New Jersey requiring a program of drug, alcohol, tobacco and steroid education. The Superintendent shall prepare and submit to the Board for its approval a comprehensive curriculum for such instruction in grades seven through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with Department of Education chemical health guidelines, pursuant to N.J.S.A. 18A:40A-1 et seq. Drug, alcohol, tobacco and steroid education shall be integrated with the health curriculum. Additionally, the District will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

Students cont.

- C. All district personnel shall be alert to signs of alcohol, drug, tobacco and steroid use by pupils and shall respond to those signs in accordance with procedures established by the superintendent of schools. The Board of Education will provide in-service training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, tobacco and/or steroids, and in helping pupils with drug, alcohol, tobacco and steroid-related problems in a program of rehabilitation. The Board directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. The District shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the district on school premises or other facilities.
- D. The Superintendent shall develop administrative regulations for:
 - 1. A comprehensive program of drug, alcohol, tobacco and steroid education;
 - 2. The identification and remediation of pupils involved with drugs, alcohol, tobacco and steroids;
 - 3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the pupil's drug or alcohol use or dependency;
 - 4. The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco and steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health; and
 - 5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco and/or steroid offenses.
- E. The Board of Education shall establish an annual process to review the effectiveness of its alcohol and other drug policies and procedures. The Board of Education shall solicit community input as well as consult with local agencies recommended by the state department of health in the review process. Alcohol and other drug policies and procedures for discipline, evaluation, and treatment of pupils shall be made available annually to all school staff, pupils, and parent/guardians. This policy shall be in each building, and notification of its availability shall appear annually in the parent's handbook.
- F. Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this subsection shall not be liable in civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.
- G. All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

Substance abuse in the District is considered a health risk. It is the expressed position of the district that when school rules have been violated, and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve the family in the rehabilitation plan subject to the confidentiality restrictions of 42 CFR Part II.

- H. Refusal or failure by a parent/guardian to comply with the provisions of N.J.S.A. 18A: 40A-12 shall be deemed a violation of the compulsory education (N.J.S.A. 18A:38-25 and 18A:38-31) and/or child neglect (N.J.S.A. 9:6-1 et seq.) laws.

Enforcement of Drug-free School Zones

The Board of Education 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 Executive County Superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (2007 Revisions).

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 students 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 student(s) or a staff member(s) is using or distributing controlled dangerous substances, including anabolic steroids, or drug paraphernalia on school premises shall bring that information to the school 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

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

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 student 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 student'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.

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.

Student Searches and Securing Physical Evidence

The principal or his/her designee may conduct a search of a student'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 student 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), State v. Best 403 N.J Super 428 and the New Jersey School Search Policy Manual.

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 student's parents/guardians to inform them of the occurrence.

Whenever law enforcement officials have been called into the school, and a search of a student'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 CFR 2 and N.J.A.C. 6A:16-6.5.

Records and Reporting

The Chief School Administrator will annually submit a report utilizing the Electronic Violence and Vandalism Reporting system (EVVRS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At the annual hearing prior to October 31, the Chief School Administrator shall report to the Board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year. The Board shall ensure that:

- A. The proceedings of the public hearing shall be transcribed, kept on file by the Board of Education and made available to the public.
- B. The Board shall file the transcript of the public hearing with the Department of Education by November 1 of each year.

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. 6A:16-3.1.

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 Executive 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.

Legal References:	<p><u>N.J.S.A. 2A:62A-4</u></p> <p><u>N.J.S.A. 2C:29-3a</u> <u>N.J.S.A. 2C:33-15</u></p> <p><u>N.J.S.A. 2C:33-16</u></p> <p><u>N.J.S.A. 2C:33-17</u></p> <p><u>N.J.S.A. 2C:33-19</u> <u>N.J.S.A. 2C:35-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 2C:35-7, -10</u> <u>N.J.S.A. 2C:35-10.4</u> <u>N.J.S.A. 9:6-1 et seq.</u></p> <p><u>N.J.S.A. 9:17A-4</u></p> <p><u>N.J.S.A. 18A:25-2</u> <u>N.J.S.A. 18A:36-19.2</u></p> <p><u>N.J.S.A. 18A:37-1</u> <u>N.J.S.A. 18A:37-2</u> <u>N.J.S.A. 18A:38-25</u></p> <p><u>N.J.S.A. 18A:38-31</u> <u>N.J.S.A. 18A:40A-1 et seq.</u> <u>See particularly:</u> <u>N.J.S.A. 18A:40A-1, -2,</u> <u>-3, -4, -5, -9, -10, -11, -12,</u> <u>-13, -14, -15, -16, -18, -19</u></p> <p><u>N.J.S.A. 24:21-2</u> <u>N.J.S.A. 26:3D-55 et seq.</u> P.L. 2005, c. 209 <u>N.J.A.C. 6A:8-3.1</u> <u>N.J.A.C. 6A:9-13.2</u> <u>N.J.A.C. 6A:14-2.8</u> <u>N.J.A.C. 6A:16-1.1 et seq.</u> <u>See particularly:</u> <u>N.J.A.C. 6A:16-1.3, -1.4,</u> <u>-2.2, -2.4, -3.1, -3.2, -4.1</u> <u>through -4.3, -5.3, -6.1</u> <u>through -6.5</u> <u>N.J.A.C. 6A:32-13.1 et seq.</u></p>	<p>Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability</p> <p>Hindering apprehension or prosecution</p> <p>Possession or consumption of alcoholic beverage by person under legal age, penalty</p> <p>Alcoholic beverages; bringing or possession on school property by person of legal age; penalty</p> <p>Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions</p> <p>Paging devices, possession by students</p> <p>New Jersey Comprehensive Drug Reform Act of 1987</p> <p>Definitions</p> <p>Abuse abandonment, cruelty, and neglect of child; what constitutes</p> <p>Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality</p> <p>Authority over pupils</p> <p>Student locker or other storage facility; inspections; notice to students</p> <p>Submission of pupils to authority</p> <p>Causes for suspension or expulsion of pupils</p> <p>Attendance required of children between six and sixteen, exceptions</p> <p>Violation of article by parents or guardian, penalties</p> <p>Substance abuse</p> <p>Definitions (New Jersey controlled dangerous substances)</p> <p>New Jersey Smoke-Free Air Act</p> <p>Random student drug testing</p> <p>Curriculum and instruction</p> <p>Substance awareness coordinator</p> <p>Discipline/suspension/expulsion</p> <p>Programs to Support Student Development</p> <p>Pupil Behavior</p>
	<p>Drug Free Workplace Act of 1988 Enacted November, 1988 (Pub. L. 100-690, Title V, Subtitle D) 102 Stat. 4305-4308</p> <p>Regulations Under Drug Free Workplace Act, <u>C.F.R.</u> 4946 (1/31/89)</p> <p>42 <u>CFR</u> Part 2--Confidentiality of alcohol and drug abuse patient records</p>	

Legal References: cont.

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), Rev'd, 469 U.S. 325 (1985)

State of New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983)

Honig v. Doe 484 U.S. 305 (1988)

Vernonia School District v. Acton, 515 U.S. 646 (1995)

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. _____ (2002)

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

Manual for the Evaluation of Local School Districts

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2007 Revisions)

State v. Best 403 N.J. Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009) The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O.

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