

Board of Education Hardyston Township

ENFORCEMENT OF DRUG-FREE SCHOOL ZONES

The Board of Education of Hardyston Township 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.

A - LAW ENFORCEMENT LIAISON

In order to ensure that such cooperation continues, the Board directs the Chief School Administrator 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.

B - UNDERCOVER OPERATIONS

- 1 - The Board hereby recognizes that the Chief School Administrator 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 Chief School Administrator to request such intervention under these circumstances. The Board recognizes that the Chief School Administrator 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.
- 2 - The Board recognizes that law enforcement authorities may contact the Chief School Administrator to request that an undercover operation be established in a district school. The Board recognizes that the Chief School Administrator is prohibited from discussing the request with the Board. The Board hereby authorizes the Chief School Administrator to act upon any such request in the manner that he/she 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.

- 3 - The Board directs the Chief School Administrator and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Chief School Administrator, 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.
- 4 - At the completion of an undercover operation in a school, and with the consent of the appropriate law enforcement authority, the Chief School Administrator shall report to the Board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

C - SUMMONING LAW ENFORCEMENT AUTHORITIES ONTO SCHOOL PROPERTY FOR THE PURPOSE OF CONDUCTING INVESTIGATIONS, SEARCHES, SEIZURES, AND ARRESTS

- 1 - Any school employee who has reason to believe a student(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 school principal who, in turn, shall report same to the Chief School Administrator. The Chief School Administrator 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 Chief School Administrator 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 Chief School Administrator may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.
- 2 - If an arrest is necessary, and no exigent circumstances exist, the Chief School Administrator 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 Chief School Administrator or the principal shall immediately notify the student's parent or guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.
- 3 - Whenever the police have been summoned to a school building by the Chief School Administrator, the Chief School Administrator 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.

D - STUDENT SEARCHES AND SECURING PHYSICAL EVIDENCE

- 1 - 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 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.
- 2 - 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 Chief School Administrator 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 parent or guardian to inform them of the occurrence.
- 3 - 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 Chief School Administrator shall request that the law enforcement officials conduct the search, seizure, or interrogation.

E - POLICE PRESENCE AT EXTRA-CURRICULAR ACTIVITIES

The Chief School Administrator 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 Chief School Administrator 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.

F - RESOLVING DISPUTES CONCERNING LAW ENFORCEMENT ACTIVITIES

The Board authorizes the Chief School Administrator 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 Chief School Administrator 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.

G - 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.

H - IN-SERVICE TRAINING

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

I - 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.

J - AVAILABILITY OF POLICY

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

Legal References: N.J.S.A. 18A:40A-11, 18A:40A-12, 18A:40A-13,
18A:40A-15, 18A:40A-18,
N.J.S.A. 2C:35-1 et. seq.
N.J.S.A. 2C:29-1 et. seq., 42 CFR Part II
N.J.A.C. 6:3-6.1-6.6