

POLICY 524

5131.6

DRUGS, ALCOHOL, TOBACCO, and STEROIDS (Substance Abuse)

Drugs, Alcohol, Tobacco, and Steroids

It is the responsibility of the 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. 2A:170-25.9 et seq.

- A. The Board of Education (Board) 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, which may include suspension or expulsion, and will be reported to 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 or New Jersey requiring a program of drug, alcohol, tobacco, and steroid education. In order to properly educate students, a comprehensive curriculum for drug education, including tobacco and anabolic steroids, shall be incorporated at each grade level, K-6. The curriculum for grades 7-12 shall incorporate 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 program designed to meet the needs of pupils with alcohol or other drug use problems.

- 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 all district personnel 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 and their parents who are in care or returning from care for alcohol and other drug dependencies. These services shall be 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 all of the following:
 1. A comprehensive program of drug, alcohol, tobacco, and steroid education. Such a program is provided for all K-12 students as noted in B above.
 2. The identification and remediation of pupils involved with drugs, alcohol, tobacco, and steroids;
 - a) Whenever it shall appear to any certificated or non-certificated staff member of any public school in the district, that a pupil in the district or at an out-of-district school activity may have used, consumed, inhaled, or abuse any substance defined by the Regulations, that staff member shall report the matter, as soon as possible, to the school nurse, or to a substance awareness counselor, and to the principal or his/her designee.
 - b) The principal or designee shall immediately notify the parent or guardian and the Superintendent of Schools and shall arrange for an immediate examination of the pupil by a doctor selected by the parent or guardian, or if such a doctor is not immediately available, by the school's physician designated for this purpose. If such doctor or the school's physician is not immediately available, the pupil, accompanied by a member of the school staff designated by the principal and a parent or guardian, if available, should be taken to the emergency room of the nearest hospital for an examination.
 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;

- a) The examination must include a chain-of-custody urine screen for chemical substance abuse and a physical examination by a licensed physician. A written report of this examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil, the principal, and the Superintendent.
 - b) If such diagnosis is positive, the pupil shall be returned to the custody of his/her parent or guardian as soon as possible and shall not resume attendance at school until he/she submits to the principal a written note from the pupil's personal physician, the school's physician or the physician the examined the pupil, certifying that the pupil is physically and mentally able to return to school.
 - c) If the medical report is not provided with 24 hours, the pupil shall be allowed to return to school until such time as a possible diagnosis of the presence of alcohol or a prohibited chemical substance is received.
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

Treatment

- a) The pupil shall also be interviewed by a substance awareness counselor or other appropriately trained teaching staff member for the purpose of determining the extent of the pupil's involvement with these substances and the possible need for treatment. In order to make this determination, the substance awareness coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with pupil's teachers and parents.
- b) The substance awareness coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate. If it is determined that the pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.
- c) The school system shall, within the framework of the law, work with the parents/guardians, physicians, and community agencies to provide necessary help to those students needing assistance as a result of their use of alcohol, drug, tobacco, steroid, and/or inhalant use.

Discipline

Disciplinary action for the use, possession, and/or distribution of tobacco, alcohol, or drugs as defined in Regulations and code, inhalants and/or anabolic steroids are provided in the Regulations section of 5131.6.

5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco, and/or steroid offenses.

The conditions for readmission to school and treatment of pupils convicted of drug, alcohol, tobacco, inhalant, and/or steroid offenses are covered in the Regulations section of 5131.6.

- 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 43 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 conduction 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 Uniform State Memorandum of Agreement between Education and Law Enforcement Officials (1999 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 to school liaison(s). Such assignment shall be in accordance with the district's 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 a reason to believe a student(s) or 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 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 law enforcement officials, 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 any 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 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), 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 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 the 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 office 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 satisfactory resolved with the chief executive office of the agency, the Superintendent shall work in conjunction with the county prosecutor and, where appropriate, the division of criminal justice to take the 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 43 CFR 2 and N.J.A.C. 6A:16-5.5.

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 county Superintendent, local community members, and the county prosecutor's office.

Availability of Policy

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