

EMPLOYEE SUBSTANCE ABUSE

There shall be no smoking in district buildings or on school grounds.

Employee use of alcoholic beverages on school property or when in official charge of pupils off school premises is prohibited.

Illegal possession of, use of, or sale of controlled dangerous substances on or in school property or when in official charge of pupils off school premises is prohibited. Any violation may subject an employee to disciplinary action including dismissal and prosecution.

Illegal gambling is not permitted in or on school property.

Date: Reviewed: December 12, 2012
 Adopted: February 13, 2013

Legal References: Use legal reference sheet.

Cross References: List your appropriate policies. See legal reference sheet for possibilities.

Key Words

Smoking; Drinking; Drugs; Smoking Prohibition; Employee Smoking, Drinking, Use of Drugs on School Premises; Drug Testing; Alcohol Testing

Monitored

 X Mandated

 X Other Reasons

Legal References

EMPLOYEE SUBSTANCE ABUSE

Mandated:

N.J.A.C. 6A:26-12.2(a)4 requires policy and procedures prohibiting smoking in district buildings.

Federal regulations require policy and procedures on drug and alcohol testing for holders of commercial drivers' licenses in safety sensitive positions (school bus drivers).

Other Reasons:

N.J.S.A. 26:3D-58 prohibits smoking in any area of any building of, or on the grounds of, any public or nonpublic elementary or secondary school, regardless of whether the area is an indoor public place or is outdoors.

Recommendation:

A policy prohibiting smoking in district buildings and grounds.

The board should also make clear that the use of alcohol on school premises during the school day or when in charge of pupils is against board policy, and that the use or sale of drugs is against the law. Illegal gambling should also be prohibited.

If any members of the professional staff hold commercial drivers' licenses and operate in the district in safety sensitive positions, the language on drug and alcohol testing that appears in 4219.23 should also be included in this policy.

<u>Legal References:</u>	<p><u>N.J.S.A. 2C:33-16</u></p> <p><u>N.J.S.A. 2C:35-1 et seq.</u></p> <p><u>N.J.S.A. 18A:11-1</u></p> <p><u>N.J.S.A. 18A:16-2</u></p> <p><u>N.J.S.A. 18A:27-4</u></p> <p><u>N.J.S.A. 18A:36-32</u></p> <p><u>N.J.S.A. 18A:54-20</u></p> <p><u>N.J.S.A. 26:3D-55 et seq.</u></p> <p><u>N.J.A.C. 6A:16-6.3</u></p> <p><u>N.J.A.C. 6A:16-6.5</u></p> <p><u>N.J.A.C. 6A:26-12.2(a)4</u></p>	<p>Alcoholic beverages; bringing or possession on school property by person of legal age; penalty</p> <p>Comprehensive Drug Reform Act of 1987</p> <p>General mandatory powers and duties</p> <p>Physical examinations; requirement</p> <p>Power of boards of education to make rules governing employment of teacher, etc.; employment thereunder</p> <p>Cigarette coin-operated vending machines; operation, installation or maintenance on property used for school purposes; fine</p> <p>Powers of board (county vocational schools)</p> <p>New Jersey Smoke-Free Air Act</p> <p>Reporting students or staff members to law enforcement authorities</p> <p>Confidentiality of student or staff member involvement in substance abuse intervention and treatment programs</p> <p>Policies and procedures for school facility operation</p>
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New Jersey Constitution, Art. IV, § VII, par. 2

Anti-Drug Abuse Act of 1988

Drug-Free Workplace Act of 1988

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

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

Possible

<u>Cross References:</u>	*1330	Use of school facilities
	*1410	Local units
	*3220/3230	State funds; federal funds
	*3515	Smoking prohibition
	*4112.4	Employee health
	4117.50	Standards for staff discipline
	*4219.23	Employee substance abuse
	*5131.6	Drugs, alcohol, tobacco (substance abuse)

*Indicates policy is included in the Critical Policy Reference Manual.