

DRUGS, ALCOHOL, TOBACCO

(Substance Abuse)

Composite 7-12

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. 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. Students 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 student 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. Students 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 twelve 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.
- C. All district personnel shall be alert to signs of alcohol, drug, tobacco and steroid use by students and shall respond to those signs in accordance with procedures established by the superintendent of schools. The board of education will provide inservice training to assist teaching staff members in identifying the student who uses drugs, alcohol, tobacco and/or steroids, and in helping students 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 students 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 students involved with drugs, alcohol, tobacco and steroids;
 3. The examination and treatment of students suspected of being under the influence of drugs, alcohol, tobacco or steroids to determine the extent of the student's drug or alcohol use or dependency;
 4. The treatment and discipline of students 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 students 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 students shall be made available annually to all school staff, students, 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 student 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, adopt the 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 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 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 student 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), 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 Student 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.

Inservice Training

The superintendent will ensure that all district employees receive annual inservice 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

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

Date reviewed and adopted: Reviewed: March 26, 2007; Adopted: April 2, 2007.

MEDFORD LAKES BOARD OF EDUCATION

This is the NJSBA Sample REGULATION

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X Monitored

X Mandated

X Other Reasons

DRUGS, ALCOHOL, TOBACCO

(Substance Abuse)

COMPOSITE 7-12

In accordance with board policy, the following procedures are established for the instruction of students in drug, alcohol, tobacco and steroid abuse; the evaluation and treatment of students who possess drugs, alcohol, tobacco and steroids and for students who are suspected or found to be under the influence of drugs, alcohol, tobacco and/or steroids.

Instruction

- A. Teachers shall be guided by the drug, alcohol, tobacco and steroid program approved by the board of education as a part of the health education curriculum in accordance with state board rules and department of education guidelines.
- B. Teachers and administrators will be requested to evaluate annually the effectiveness of the drug, alcohol, tobacco and steroid education programs.

Reporting, Notification, and Examination Procedures for Students Suspected of Being Under the Influence of Drugs, Alcohol or Steroids

Teaching staff members will be alert to the signs of a student's involvement with drugs, alcohol, or steroids including; impaired health or fatigue; excessive truancy or tardiness; lower grades; depressed appetite or loss of weight; extremes; eyes that are bloodshot, watery, extremely wide, or have extremely small pupils; an unusual body or breath odor; needle tracks; a change in attitude, personality, temperament, appearance, or peer groups; and mental confusion. A behavior checklist is provided for each referral that is made with reference to possible drug, alcohol or steroid use.

Concerns over student use of chemicals outside of school and away from school-related activities may be passed on, via use of the referral and/or behavior checklist, to a core team member, guidance counselor, substance awareness coordinator, the school nurse or any administrator who can follow through on the process of investigating non-emergency cases of suspected drug, alcohol, or steroid involvement.

- A. In instances involving intoxication either in school or at a school-sponsored activity by alcoholic beverages, controlled dangerous substances or any chemical or chemical compound as identified in N.J.A.C. 6A:16-4.1(a), the following shall apply:

1. Any professional staff member to whom it appears that a student may be under the influence of alcoholic beverages or other drugs on school property or at a school function shall report the matter as soon as possible to the school nurse or medical inspector and the principal.

In the absence of the principal, his/her designee shall be notified; and in instances where the school nurse, medical inspector or the principal are not in attendance, the staff member responsible for the school function shall be immediately notified.

2. The principal or his/her designee shall immediately notify the parent/guardian and the superintendent and arrange for an immediate examination of the student. The examination may be performed by a physician selected by the parent/guardian or by

the medical inspector. If the chosen physician is not immediately available, the student shall be accompanied by a member of the school staff, designated by the principal, to the emergency room of the nearest hospital for examination. If available, a parent/ guardian should also accompany the student.

3. If, at the request of the parent or legal guardian, the medical examination is conducted by a physician other than the medical inspector, such examination shall not be at the expense of the district board of education.
4. Provisions shall be made for the appropriate care of the student while awaiting the results of the medical examination.
5. A written report of the medical examination shall be furnished to the parent/guardian of the student, the principal and the superintendent by the examining physician within 24 hours.
6. If the written report of the medical examination is not submitted to the parent/guardian, principal and superintendent within 24 hours, the student shall be allowed to return to school until such time as a positive diagnosis of alcohol or other drug use is received.
7. If there is a positive diagnosis from the medical examination indicating that the student is under the influence of alcoholic beverages or other drugs, the student shall be returned to the care of a parent/guardian as soon as possible. Attendance at school shall not resume until a written report has been submitted to the parent/guardian of the student, the principal and superintendent from a physician who has examined the student to diagnose alcohol or other drug use. The report shall certify that substance abuse no longer interferes with the student's physical and mental ability to perform in school. In addition, the staff member shall complete the violence, vandalism and substance abuse incident report.
8. A student will be disciplined in accordance with guidelines outlined in the discipline procedure manual when involved in drug-related activities while in school or involved in a school-sponsored activity.
9. The student and parent/guardian will be advised by the SAC of available counseling and support services in the community which are approved by the county LACADA or the state department of health. Individual referrals will be made as appropriate.
10. The board of education shall provide for in-house assessment of student drug and alcohol concerns, as well as instruction, counseling, and related services for that student and/or family members. These counseling interventions will be offered by the substance awareness coordinator and/or core team members who are trained in drug and alcohol prevention, intervention, and after-care procedures.
11. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
12. The core team, substance awareness coordinator, crisis counselor, or other staff member assigned to monitor the student's stability, progress, and possible re-entry into the daily school routine shall be responsible to keep all appropriate school personnel informed of the status of the student referral. Staff should work in close cooperation with the student's parents/guardians in an effort to fully support the student.

B. In instances involving anabolic steroids:

1. Whenever any teaching staff member, school nurse or other educational personnel of any public school shall have reason to believe that a student has used or may be using anabolic steroids, that teaching staff member, school nurse or other educational personnel shall report the matter as soon as possible to the school nurse or medical inspector, as the case may be, or to a substance awareness coordinator, and to the principal or, in his or her absence, to his or her designee.
2. The principal or his or her designee, shall immediately notify the parent or guardian and the superintendent of schools, if there be one, or the administrative principal and shall arrange for an examination of the student by a doctor selected by the parent or guardian or by the medical inspector. The student shall be examined as soon as possible for the purpose of diagnosing whether or not the student has been using anabolic steroids.
3. A written report of that examination shall be furnished by the examining physician to the parent or guardian of the student and to the superintendent of schools or administrative principal.
4. If it is determined that the student has been using anabolic steroids, the student shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the student's involvement with these substances and possible need for treatment. In order to make this determination, the coordinator or other teaching staff member may conduct a reasonable investigation which may include interviews with the student's teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may be necessary and appropriate.
5. If it is determined that the student's involvement with and use of these substances represents a danger to the student's health and well-being, the coordinator or other teaching staff member shall refer the student to an appropriate treatment program which has been approved by the Commissioner of Health.

C. Implementation

1. Transportation to a physician's office will be provided by the district, if parents/guardians are unable or unwilling to take their child to the physician's office.
2. Service will be accessed by contacting the student support office (768-5108).
3. A minibus will be available within 30 - 60 minutes to transport student(s) who need medical interventions such as D&A examination, physicals for CST placements, etc.
4. A staff member must accompany the student being taken from school for any reason. The bus driver is responsible for transporting the student only.
5. If the substance awareness coordinator is not available, an assistant principal shall escort the student to the physician's office for drug screening.
6. No faculty member should transport a student in his/her own car, as coverage for damages incurred is not provided by the district.
7. A parent/guardian notice of steps for re-entry must be given or mailed to the parents/

guardians of students suspected of being "under the influence of drugs and/or alcohol" while in school.

8. The physician will send the results of the drug screening to the substance awareness coordinator to disseminate to the administration for the implementation of board policies (drug-free school and discipline).

Students Suspected of Possessing, Buying, Selling and/or Distributing Drugs, Alcohol, or Steroids

Whenever it shall appear that a student may be in possession, buying, selling or distributing a controlled dangerous substance, chemicals or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, taken for purposes other than 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 following procedures shall be followed:

- A. School personnel shall report the matter as soon as possible to the school principal, or in his/her absence, to his/her designee.
- B. The school principal, observing all due process procedures, shall then attempt to establish the truth of the actual possession or sale and/or distribution of drugs or alcohol.
- C. If so determined, the principal shall immediately notify the student's parent/guardian and the superintendent.
- D. The law enforcement authorities shall be notified in accordance with provisions established by N.J.A.C. 6:29-10.1 et seq. In cases where a student has voluntarily requested assistance for a substance abuse concern, and has not been involved in distribution activities, he/she can be protected from disclosure to police if he/she agrees to participate in assessment, evaluation, treatment, counseling support services and/or after-care provided by in-house SAC and/or core team staff; referral to community treatment services may be warranted.
- E. The principal and/or superintendent of schools will initiate referral to the substance awareness coordinator, or to drug and alcohol members of the core team for purposes of documentation of all drug, alcohol, or steroid incidents. The substance awareness coordinator and/or core team will make appropriate student and family referrals to community agencies offering assistance for drug and alcohol related issues.
- F. While the student is at home because of disciplinary and/or medical reasons, the child study team will intervene to determine the student's eligibility for home instruction, develop an IEP, and provide additional assessment if needed. The child study team will assess the student's eligibility and need for special education and/or related services.
- G. The violence, vandalism and substance abuse incident report is to be completed by the principal and forwarded to the superintendent of schools.

Recordkeeping Regarding Self-disclosure vs. Discovery of Student Substance Abuse Concerns

- A. In all cases involving drugs, alcohol, or steroids, voluntary student disclosures will be kept confidential and exchange of information will be kept between student, substance awareness coordinator, and core team, and the student support program director. Records will be confidential and kept separate and apart from general student files. These files will be kept locked. Feedback to referral sources will be limited to status of student progress only.
- B. Disciplinary referrals, or cases which involve discovery of student chemical use by students, teachers, administrators, and other staff persons, will be recorded in student disciplinary files.

Only the content of student disclosures made thereafter to a substance awareness coordinator or core team member will be kept as a part of the confidential substance awareness treatment program records. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom they believe to:

1. Be suicidal
2. Be assaultive (murder, rape, armed robbery intent)
3. Have been abused
4. Be under the influence of drugs
5. Be in need of emergency medical treatment

Transporting Students for District-required Assessments

Those identified as drug and/or alcohol and/or steroid dependent will be referred to a community agency and required to complete a treatment program appropriate to their needs. We will make every effort to provide assessment, intervention and referral, including transportation to and from testing, if necessary, to ensure a thorough and comprehensive response to our students' addiction concerns.

Prohibition of Smoking by Students

Students are not permitted to smoke at any time in school buildings, or anywhere within school boundaries, or on school buses, or when on a school-sponsored trip or activity off school premises. Students are not to carry cigarettes or other smoking materials such as tobacco, pipes or cigarette rolling papers while on school property.

Penalties for Involvement with Drugs, Alcohol, Steroids and/or Tobacco as Per Previously Adopted Policy

All students should be aware that school authorities will take all reasonable steps to prevent the possession and use of drugs, alcohol, steroids, or tobacco on school property and to apprehend those who possess, use, or distribute drugs, alcohol, steroids, or tobacco.

These steps will include:

- A. Locker and desk searches when there is reason to believe that inspection is warranted;
- B. Required urine screening and/or blood test to determine presence of alcohol and other drugs, when observation of student behavioral indicators suggest the possibility of intoxication.

Offense

1. Possession of drug paraphernalia, not containing any controlled dangerous substance otherwise identified in N.J.A.C. 6A:16-4.1(a)

Penalty

First offense

- a. Parents/guardians notified
- b. Referral to SAC for assessment and recommended
- c. Possible referral to core team

Second offense

Two-day suspension plus all of the above

Third offense

External suspension plus b. and c.

2. Possession of alcohol, drugs, steroids, or substances identified in N.J.A.C. 6A:16-4.1(a)

First offense

- a. Parents/guardians notified
- b. Ten-day suspension
- c. Police informed and appropriate action taken

Second offense

All of the above plus an expulsion hearing before the board

3. Under the influence of alcohol, drugs, steroids or substance identified in N.J.A.C. 6A:16-4.1(a)

First offense

- a. Parents/guardians notified
- b. Immediate medical examination including urinalysis and/ or blood test to verify use and determine extent of use
- c. Ten-day suspension upon verification of positive diagnosis of alcohol, drug, or steroid use
- d. Medical statement substantiating student's state of well being is required before re-entry after positive diagnosis of chemical use. (Possible urinalysis with negative result may be required upon return to school.)
- e. Student and parent/guardian referral to SAC for treatment, after-care, and re-entry plan

Second offense All of the above plus an expulsion hearing before the board

4. Distribution, transferring, or selling controlled dangerous substance or possession of amount large enough to indicate possible intent to distribute, transfer or sell

First offense

- a. Parents/guardians notified
- b. Minimum 10-day suspension pending expulsion hearing before board of education
- c. Police informed and appropriate action taken

5. Conviction for violation of the drug abuse law committed off school property

First offense

- a. Parents/guardians notified
- b. The school will take whatever action it believes necessary to protect the rights and well being of the entire student body

6. Students who are found exhaling smoke, or possessing cigarettes or smoking paraphernalia

First offense

- a. Parents/guardians notified
- b. Suspension and/or referral to SAC for assistance in quitting

Second offense

- a. Phone call to parent/guardian
- b. Suspension
- c. Referral to counseling
- d. Required notification to parents/ guardians and/or pursuit of \$100 fine, pursuant to N.J.S.A. 26:3D-20

Date reviewed and adopted: Reviewed: March 26, 2007; Adopted: April 2, 2007.

Key Words: Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

Legal References

DRUGS, ALCOHOL, TOBACCO
(Substance Abuse)

Monitored:

Indicators 3.1 (1)(d), 5.4

Mandated:

N.J.S.A. 18A:40A-10 requires each school district to develop a clear written policy statement which outlines the district's program to combat substance abuse and provides for the identification, evaluation, referral for treatment and discipline of students who are substance abusers.

Copies of the policy statement shall be distributed to students and their parents/guardians at the beginning of each school year.

N.J.S.A. 18A:40A-11 requires boards to adopt and implement policies and procedures for evaluation, referral for treatment and discipline of students involved in incidents of abuse or possession on school property or at school functions; and of students who show significant symptoms of the use of those substances on school property or at school functions. Board shall consult and work closely with state department of health-approved local organization involved with the prevention, detection and treatment of substance abusers.

N.J.S.A. 18A:40A-17 requires policies and procedures to provide assistance to parents/ guardians who believe their child may be involved in substance abuse.

N.J.A.C. 6:29-6.3 requires the board to adopt and implement policies and procedures on the evaluation and treatment of students who possess, consume, or are suspected of being under the influence of alcohol, controlled dangerous substances or chemical compounds; sets guidelines, including review and approval by county office.

N.J.A.C. 6:29-10.2 requires adoption and implementation of policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to the use, possession and distribution of controlled dangerous substances, drug paraphernalia, alcohol, firearms and other deadly weapons.

N.J.A.C. 6:29-10.3(b)1 through (b)14 require policy and procedures on specific topics related to enforcement of safe and drug-free school zones.

Other Reasons:

N.J.S.A. 2C:33-19 prohibits students from bringing remotely activated paging devices onto school property without express permission of the board.

N.J.S.A. 18A:40A-1 requires districts to develop and implement instructional programs following SDOE guidelines for drugs/alcohol/tobacco/anabolic steroids and controlled dangerous substances for grades K-12.

N.J.S.A. 18A:40A-3a requires boards to provide time for training staff to teach such educational programs.

N.J.S.A. 18A:40A-4 requires that all candidates for a teaching certificate pass an exam on student substance abuse issues.

N.J.S.A. 18A:40A-16 sets requirements for substance abuse education programs for

parents/guardians.

N.J.S.A. 26:3D-17 forbids smoking in any district building; board must make and enforce regulations. Executive Directive No. 1988-1 influences development of policies required by N.J.A.C. 6:29-10.3(b).

Recommendation:

At a minimum, compliance with the directions of your county office on the "policies and procedures" they review and approve. In addition, check to be sure you have additional policy language required by law. Also, check to be sure that any conflict between your existing language and policy requirements on this topic are resolved.

In addition to "procedures" language adopted as part of SDOE-endorsed sample policies and procedures, be sure your "working" regulations, or directions to district staff, parents/guardians and students, are clear and all-inclusive. Be particularly careful in instructing your staff regarding confidentiality. A citation-oriented checklist for working regulations was sent to all superintendents February 15, 1990.

<u>Legal</u>	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
<u>Referen</u>		
<u>ces:</u>		
	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:33-19	Paging devices, possession by students
	N.J.S.A. 2C:35-1 et seq.	New Jersey Comprehensive Drug Reform Act of 1987
	See particularly: 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 students
	N.J.S.A. 18A:37-1	Submission of students to authority
	N.J.S.A. 18A:37-2	Causes for suspension or expulsion of students
	N.J.S.A. 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
	N.J.S.A. 18A:40A-1 et seq.	Substance abuse
	See particularly: N.J.S.A. 18A:40A-1, -2, -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 through -21	Legislative findings and declarations ... (smoking in educational institutions)
	N.J.A.C. 6:8-4.5	Curriculum and instruction
	N.J.A.C. 6:8-4.7	Student behavior
	N.J.A.C. 6:11-11.5	Substance awareness coordinator
	N.J.A.C. 6:28-2.8	Disciplinary action
	N.J.A.C. 6:29-6.1 et	Substance abuse

seq.
N.J.A.C. 6:29-10.1 Safe and drug free schools
et seq.

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, C.F.R. 4946 (1/31/89)

34 CFR Part 86--District drug prevention program certification

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 484 U.S. 305 (1988)

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, U.S. , 115 S. Ct. 2386 (1995)

Manual for the Evaluation of Local School Districts (June 1993)

Possible Cross *1330 Use of school facilities

References:

*1410	Local units
*5114	Suspension and expulsion
*5124	Reporting to parents/guardians
*5125	Student records
*5131	Conduct/discipline
*5131.7	Weapons and dangerous instruments
*5141.3	Health examinations and immunizations
*5141.21	Administering medication
*5145.12	Search and seizure
*6145.1/6145.2	Intramural competition; interscholastic competition
6145.7	Social events/meetings
*6154	Homework/makeup work
*6172	Alternative educational programs
*6173	Home instruction

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