



THE NEWARK PUBLIC SCHOOLS Newark, New Jersey POLICY



FILE CODE: 5131.6

(Page 1 of 7)

DRUGS, ALCOHOL, TOBACCO (Substance Abuse)

Drugs, Alcohol, Tobacco and Steroids

It is the responsibility of the District to safeguard the health, character, citizenship, and personality development of the students in its schools. As such, the District must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful and that the misuse of drugs, alcohol, tobacco or steroids threatens the positive development of the student and the welfare of the entire school community. The District 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.

The District 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 District. 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 suspended 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.

The District will enforce the laws of New Jersey requiring a program of drug, alcohol, tobacco and steroid education. The Superintendent/designee shall prepare a comprehensive curriculum for such instruction in grades K 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.

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

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/designee. The District 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 District 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.

The Superintendent/designee shall ensure:

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 immediate 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 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.

The District shall annually review the effectiveness of its alcohol and other drug policies and procedures. The District 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.

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 for civil damages as a result of making such a report as provided for under N.J.S.A. 18A:40A-1 et seq.

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 family in the rehabilitation plan subject to the confidentiality restrictions 42 CFR Part II.

Refusal or failure by a parent/guardian to comply with the provisions 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 District 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

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

dangerous substances and drug paraphernalia on school property. The District further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. The District possesses a formal Memorandum of Agreement with the appropriate law enforcement authorities.

Law Enforcement Liaison

The Office of Security serves as the District liaison to law enforcement agencies.

Undercover Operations

The District is authorized to 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 District recognizes that law enforcement authorities may contact the Superintendent to request that an undercover operation be established in District schools. The District recognizes that the Superintendent is prohibited from discussing the request with the board.

The Superintendent and school principal shall 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.

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 or a staff member 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's designee and Office of Security, who 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 District 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's designee 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.

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

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

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., 469 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.

When 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 or designee may 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 or designee believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd traffic control at a school function.

Resolving Disputes Concerning Law Enforcement Activities

The Superintendent or designee may 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/designee 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.

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 District 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 District will consult with the county superintendent, local community members, and the county prosecutor's office.

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

Availability of Policy

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

Adopted by State District Superintendent: January 25, 2005

<u>Legal References:</u>	<u>N.J.S.A.</u> 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>N.J.S.A.</u> 2A:170-25.9	Definitions
	<u>N.J.S.A.</u> 2C:29-3a	Hindering apprehension or prosecution
	<u>N.J.S.A.</u> 2C:33-15	Possession or consumption of alcoholic beverage in public place or motor vehicle by person under legal age
	<u>N.J.S.A.</u> 2C:33-16	Alcoholic beverages; bringing or possession on school property by person of legal age; penalty
	<u>N.J.S.A.</u> 2C:33-17	Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions
	<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
	<u>N.J.S.A.</u> 2C:35-1 <u>et seq.</u>	New Jersey Comprehensive Drug Reform Act of 1987
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 2C:35-7, -10	
	<u>N.J.S.A.</u> 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
	<u>N.J.S.A.</u> 18A:25-2	Authority over pupils
	<u>N.J.S.A.</u> 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
	<u>N.J.S.A.</u> 18A:37-1	Submission of pupils to authority
	<u>N.J.S.A.</u> 18A:37-2	Causes for suspension or expulsion of pupils
	<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance abuse
	<u>See particularly:</u>	
	<u>N.J.S.A.</u> 18A:40A-1, -2, -3, -4, -5, -9, -10, -11, -12, -13, -14, -15, -16, -18, -19	
	<u>N.J.S.A.</u> 24:21-2	Definitions (New Jersey controlled dangerous substances)
	<u>N.J.S.A.</u> 26:3D-15 through -21	Legislative findings and declarations ... (smoking in educational institutions)
	<u>N.J.A.C.</u> 6:8-3.1 <u>et seq.</u>	Pupil Behavior
	<u>N.J.A.C.</u> 6:11-11.5	Substance awareness coordinator
	<u>N.J.A.C.</u> 6A:8-3.1	Curriculum and instruction
	<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsion

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development

See particularly:

N.J.A.C. 6A:16-1.3, -1.4,
-1.5, -2.2, -3.1, -3.2, -4.1
through -4.3, -5.3, -6.1
through -6.5

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

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), 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)

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 (September 2002)

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

A Uniform State Memorandum of Agreement Between Education and Law
Enforcement Officials (1999 Revisions)

Newark Public Schools Discipline Plan and Policy (2003)

<u>Cross References:</u>	1330	Use of school facilities
	1410	Local units
	4131.1	Inservice education/visitations/conferences
	4231.1	Inservice education/visitations/conferences
	5114	Suspension and expulsion
	5124	Reporting to parents/guardians
	5125	Pupil records
	5131	Conduct/discipline

DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)

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
6154	Homework/makeup work
6172	Alternative educational program
6173	Home instruction