

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 5131.6

SUBSTANCE ABUSE: DRUGS, ALCOHOL, and TOBACCO

The Board of Education recognizes that substance abuse and the misuse of alcohol are serious social problems that have far-reaching implications for both the user and the entire community. The Board is committed to the prevention of drug and alcohol abuse and accepts the responsibility for instructing pupils in the nature of these substances and their effects and for assisting in the early identification and treatment of pupils who become involved with them.

Definition: For the purpose of this policy, “substance” shall mean alcoholic beverages, anabolic steroids, and all controlled dangerous substances set forth in *N.J.S.A. 24:21-1 et seq.*, all chemicals that release toxic vapors set forth in *N.J.S.A. 2A:170-25.9 et seq.*, and any prescription drugs, except those for which permission for use in school has been granted.

Definition: For the purpose of this policy, “constructive possession” will mean the following: A student may be considered to be in constructive possession of a prohibited substance when, in analyzing the facts of specific situation, one could reasonably infer that the student knowingly had access to and the ability to exercise control over the substance. This includes, but is not limited to, placing or arranging to have the substance placed in a locker.

Definition: For the purpose of this policy, “substance abuse” shall mean the consumption or use of any substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

Definition: For the purpose of this policy, “paraphernalia” shall mean all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance.

Definition: For the purpose of this policy, “tobacco” is defined as the use of any cigarette, pipe, cigar, chewing tobacco, smokeless tobacco, snuff, or any related tobacco product. Smoking means the burning or carrying of a lighted material that contains tobacco. Penalties for possession of tobacco/related tobacco products in plain view may be imposed in the absence of actual use.

The Board of Education prohibits the use, possession, sale or distribution, or possession with intent to sell or distribute, of any substance or paraphernalia (a) on school property, (b) at any place where an interscholastic athletic contest is taking place, (c) during the course of any field trip, (d) during the course of any trip or activity sponsored by the Board of Education or under the supervision of the Board of Education or its authorized agents, or (e) upon school transportation vehicles at any time, as well as (f) the use of any substances prior to participation in the activities listed in (a) - (e) above.

Likewise, no pupil shall aid, abet, assist or conceal the possession, consumption, purchase or distribution of any substance or paraphernalia by any other pupil or pupils (a) on school property, (b) at any place where an interscholastic athletic contest is taking place, (c) during the course of

any field trip, (d) during the course of any trip or activity sponsored by the Board of Education or under the supervision of the Board of Education or its authorized agents, or (e) upon school transportation vehicles at any time, as well as (f) the use of any substances prior to participation in the activities listed in (a) - (e) above.

Any pupil found engaging in any of the foregoing prohibited activities will be subject to suspension or expulsion from school pursuant to existing administrative procedures for the discipline of school pupils and any other applicable provisions of the law.

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 12 offering a minimum of ten 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, appropriate programs for the enforcement, intervention and prevention of substance abuse shall be provided within the school setting.

Substance abuse educational programs for parents/guardians will be offered at times and places convenient to the parents/guardians on school premises or other facilities.

All staff members shall be alert to signs of substance use by pupils and shall respond to those signs in accordance with procedures established by the superintendent. The board of education will provide inservice 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 board 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 (see Procedure D-8: Substance Abuse).

The superintendent shall develop administrative regulations for:

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 examination and treatment of pupils suspected of being under the influence of drugs, alcohol, or steroids to determine the extent of the pupil's drug or alcohol use or 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 or smoking cessation 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.

In all instances the confidentiality requirements of the federal regulations governing confidentiality of alcohol and drug abuse patient records (42 *C.F.R.* Part 2 and N.J.A.C. 6A;16-6.5) will be adhered to and the exchange of information will be kept between student, SAC, and core team. It must be noted that even under the strictest of confidentiality laws, a counselor is required to report a student whom he or she believes to:

1. Be suicidal;
2. Present an imminent threat of danger (assault, murder, rape, armed robbery intent, etc.);
3. Have been abused;
4. Be under the influence of drugs;
5. Be in need of emergency medical treatment.

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.

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.

Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures, and Arrests

The following statement pertains to controlled dangerous substances. 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 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 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.

Passive Alcohol Sensor- Alcohol Detector

The Board of Education recognizes that a pupil’s abuse of harmful substances seriously impedes that pupil’s education and threatens the welfare of the entire school community. The Board is committed to the prevention of substance abuse and the rehabilitation of substance abusers by educational means, but will take additional necessary and appropriate steps to protect the school community from harm and from exposure to harmful substances.

In keeping with its commitment to protect the students, staff and community members from the harm of alcohol use and the deterrence of alcohol use, the Board authorizes the use of passive alcohol detectors (PAS) at select events. The Board authorizes PAS screening before, during and after any extra-curricular school-sponsored event, including, but not limited to: dances, proms/cotillions, class trips, overnight trips, or when the building principal or designee has reason to believe the use of alcohol by pupils may be present.

A PAS will only be used in accordance with the guidelines of this policy. The building principal or designee shall ensure that the PAS is regularly recalibrated and that school staff members are property trained in the use of the PAS in accordance with the manufacturer’s specifications. N.J.S.A 40-A-12; N.J.A.C. 6A:16-4.1 et seq.

<u>Legal References:</u>	<p><u>N.J.S.A. 2A:62A-4</u></p> <p><u>N.J.S.A. 2C:29-3a</u></p> <p><u>N.J.S.A. 2C:33-15</u></p> <p><u>N.J.S.A. 2C:33-16</u></p> <p><u>N.J.S.A. 2C:33-17</u></p> <p><u>N.J.S.A. 2C:33-19</u></p> <p><u>N.J.S.A. 2C:35-1 et seq.</u></p> <p><u>See particularly:</u></p> <p><u>N.J.S.A. 2C:35-7, -10</u></p> <p><u>N.J.S.A. 2C:35-10.4</u></p> <p><u>N.J.S.A. 9:6-1 et seq.</u></p> <p><u>N.J.S.A. 9:17A-4</u></p> <p><u>N.J.S.A. 18A:25-2</u></p> <p><u>N.J.S.A. 18A:36-19.2</u></p> <p><u>N.J.S.A. 18A:37-1</u></p> <p><u>N.J.S.A. 18A:37-2</u></p> <p><u>N.J.S.A. 18A:38-25</u></p>	<p><i>Reports by educational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability</i></p> <p><i>Hindering apprehension or prosecution</i></p> <p><i>Possession or consumption of alcoholic beverage by person under legal age, penalty</i></p> <p><i>Alcoholic beverages; bringing or possession on school property by person of legal age; penalty</i></p> <p><i>Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions</i></p> <p><i>Paging devices, possession by students</i></p> <p><i>New Jersey Comprehensive Drug Reform Act of 1987</i></p> <p> </p> <p><i>Definitions</i></p> <p><i>Abuse abandonment, cruelty, and neglect of child; what constitutes</i></p> <p><i>Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality</i></p> <p><i>Authority over pupils</i></p> <p><i>Student locker or other storage facility; inspections; notice to students</i></p> <p><i>Submission of pupils to authority</i></p> <p><i>Causes for suspension or expulsion of pupils</i></p> <p><i>Attendance required of children between six and sixteen, exceptions</i></p>
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Legal References (continued)

- N.J.S.A. 18A:38-31 Violation of article by parents or guardian, penalties
- N.J.S.A. 18A:40A-1 et seq. Substance abuse
See particularly:
N.J.S.A. 18A:40A-1, -2, -3, -4, -5, and -9 to -25
- N.J.S.A. 24:21-2 Definitions (New Jersey controlled dangerous substances)
- N.J.S.A. 26:3D-55 et seq. New Jersey Smoke-Free Air Act
P.L. 2005, c. 209 Random student drug testing
- N.J.A.C. 6A:8-3.1 Curriculum and instruction
- N.J.A.C. 6A:9-13.2 Substance awareness coordinator
- N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
- N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
See particularly:
N.J.A.C. 6A:16-4.4 Voluntary policy for random testing of student alcohol or other drug use.
- See also:
N.J.A.C. 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 -6.5
- N.J.A.C. 6A:32-13.1 et seq. Pupil Behavior
- 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)
Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. _____ (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
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (2007 Revisions)

Related Policies and Procedures:

- Policy 1410: Local Units
- Policy 3515: No Smoking
- Policy 5131.63: Conducting Law Enforcement Activities and Reporting of Suspected Drug and Weapons Offenses
- Policy 5145.12: Search and Seizure
- Procedure L-7: Law Enforcement – Drugs
- Procedure T-14: Use and Possession of Tobacco
- Procedure D-8: Substance Abuse

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