

POLICY

BOARD OF EDUCATION
LENAPE REGIONAL HIGH
SCHOOL DISTRICT

SECTION 5000
STUDENTS

5530: SUBSTANCE ABUSE / DRUGS, ALCOHOL AND TOBACCO

I. Definitions

For the purpose of this policy, "substance" shall mean:

A. All alcoholic beverages, anabolic steroids, all controlled dangerous substances set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., all metabolites of controlled dangerous substances as set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., all prescription and over-the-counter medications, specifically including, but not limited to, over the counter medications containing metabolites of controlled dangerous substances as set forth in N.J.S.A. 24:21-1 et seq. and 21 C.F.R. 1308.01 et seq., as well as any chemical or chemical compounds which release vapors or fumes causing a condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including, but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes as set forth in N.J.S.A. 2C:35-10.4.

B. Any substance which is an imitation or look a like alcoholic beverage, anabolic steroid, controlled dangerous substance or controlled dangerous substance metabolite, prescription or over-the-counter medicines, and such imitation is either expressly or impliedly represented to be a substance as defined in Section A above, and/or is of such nature, appearance or effect that any recipient thereof will be able to use, consume or distribute the imitation substance as a substance as defined in Section A above, and/or a reasonable person could be led to believe that the imitation substance is a substance as defined in Section A above.

For the purpose of this policy, "tobacco" shall mean all cigarettes, snuff, "dip," cigars, pipes, smokeless tobacco, and chewing tobacco.

For the purpose of this policy, "constructive possession" shall mean the following: A pupil may be considered to be in constructive possession of a substance or substance paraphernalia when, in analyzing the facts of a specific situation, one could reasonably infer that the pupil knowingly had access to and the ability to exercise control over the substance or substance paraphernalia. This includes, but is not limited to, placing or arranging to have the substance or substance paraphernalia placed in a back pack, gym bag, purse, school locker, or in a school bus, car or other vehicle in the school parking lot, on school grounds, or while en route to and from school or any school related activity or at any event away from school grounds sponsored by the Board.

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

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prescribed or administered by a person duly authorized by law to treat sick and injured human beings, or as recommended by the manufacturer of the substance.

For the purpose of this policy, "substance paraphernalia" shall mean all "drug paraphernalia" as set forth and defined in N.J.S.A. 2C:36-1 *et seq.*

For purposes of this policy, the use, consumption or possession of any prescription or over-the-counter medication by a pupil in a quantity recommended for personal use or consumption by a physician or the manufacturer, and for the treatment of the pupil's sickness or injury, will not subject the pupil to discipline under this policy. This exception, however, shall not include incidents involving the distribution of prescription or over-the-counter medication. In addition, all prescription and over-the-counter medications shall be administered pursuant to the requirements of Policy 5330: Administration of Medication.

II. Pupils

A. The Board prohibits the use, possession and/or distribution of any substance, tobacco or substance paraphernalia on school grounds, either before, after or during the school day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any event away from the school grounds sponsored by the Board. Any pupil in violation of this prohibition will be subject to discipline, which may include suspension or expulsion, may be reported to appropriate law enforcement personnel, and may be referred to the Child Study Team for evaluation or have an educational accommodation plan developed to ensure that the pupil's educational needs are met.

B. The Board prohibits the use, consumption, and/or possession of any prescription or over-the-counter medication other than in a quantity recommended for personal use or consumption by a physician or the manufacturer, and for purposes other than for the treatment of sickness or injury, or as recommended by a physician or the manufacturer, on school grounds, either before, after or during the school day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any event away from the school grounds school-sponsored and/or Board approved. The Board also prohibits the distribution of any prescription or over-the-counter medication on school grounds, either before, after or during the school day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, and at any school-sponsored and/or

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Board approved event away from the school grounds. Any pupil in violation of this prohibition will be subject to discipline, which may include suspension or expulsion, may be reported to appropriate law enforcement personnel, and may be referred to the Child Study Team for evaluation or have an educational accommodation plan developed to ensure that the pupil's educational needs are met.

C. Compliance with a substance and tobacco free standard of conduct is mandatory for all pupils. Pupils suspected of using tobacco or using, consuming, being in possession of, distributing any substances or substance paraphernalia and/or being under the influence of a substance on school grounds, either before, after or during the day, at any school related activity such as athletic events, field trips, curricular trips, co-curricular trips, performances, lectures, dances, proms, senior trips, and other school related events, at any bus stop, while en route to and from school or any school related activity, or at any event away from the school grounds school-sponsored and/or Board approved, shall be identified, evaluated, and may be reported in accordance with the law. Assessments/evaluations will be provided by substance awareness coordinators or individuals who are appropriately trained in substance abuse prevention. Treatment services for pupils who are affected by tobacco or substance use/abuse will be provided by substance awareness coordinators or individuals appropriately trained in substance abuse prevention, intervention, and follow-up. *Treatment for substance abuse shall not be at the expense of the Board.*

D. The Board has the right to discipline a pupil for conduct away from school grounds -- which includes, but is not limited to, conduct involving being under the influence of a substance, the use, consumption, possession and/or distribution of any substance or substance paraphernalia, as well as the use, consumption or possession of any prescription or over-the-counter medication other than for the treatment of sickness or injury, or as recommended by a physician or the manufacturer; and, conduct involving the distribution of any prescription or over-the-counter medication -- when such conduct:

- constitutes a reasonable threat to the physical or emotional safety, security and well being of that pupil; and/or
- constitutes a reasonable threat to the physical or emotional safety, security and well being of other pupils, staff or school grounds; and
- when such conduct materially and substantially interferes with the requirements of appropriate discipline in the operation of the school.

If such conduct does not meet the above criteria, this policy shall not be applicable.

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Such consequences may include suspension or expulsion. In addition, the pupil may also be reported to appropriate law enforcement personnel, and may also be referred to the Child Study Team for evaluation or have an educational accommodation plan developed to ensure that the pupil's educational needs are met.

E. In the event a pupil is suspected of involvement with substances away from school grounds, and such conduct does not materially and substantially interfere with the requirements of appropriate discipline in the operation of the school, the pupil will be offered appropriate treatment and remediation.

F. Pupils with substance abuse problems may voluntarily seek assistance by contacting the Substance Awareness Coordinator or a member of the Intervention and Referral Services Committee. Pupils are encouraged to voluntarily seek assistance, and although these pupils will be subject to the provisions of the Board's Drugs and Alcohol Policy, their request for voluntary assistance will be taken under consideration by the Superintendent in determining what discipline, if any, is appropriate, under the circumstances. The Substance Awareness Coordinator shall offer appropriate intervention and treatment services to the affected pupils, including counseling, service linkages, referrals, aftercare support, support groups and advocacy both within the school and community. Furthermore, parents/guardians who believe that their child may be involved with substance abuse may seek assistance for their child by contacting the Substance Awareness Coordinator or a member of the Intervention and Referral Services Committee.

G. 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 K through 12, offering a minimum of 10 clock hours per school year of alcohol and other drug education in grades 7 through 12 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 Board will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

H. All District personnel shall be alert to signs of tobacco and substance use/abuse by pupils and shall respond to those signs in accordance with procedures established by the Superintendent. The Board will provide inservice training to assist all staff members in identifying pupils who use tobacco or substances, and in helping pupils with tobacco or substance-related issues to pursue 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 tobacco or substance-related issues. The

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Superintendent shall establish a parent/guardian substance abuse program, offered at times and places convenient to the parents/guardians of the District on school grounds or other facilities.

I. 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.*

J. All policies and procedures shall comply with the confidentiality requirements established in federal regulations found at 42 CFR Part II.

Substance and tobacco abuse in the District is considered a health risk. It is the expressed position of the Board that when school rules have been violated, and when a pupil's health is at risk, the pupil's parent(s)/guardian(s) must be notified, and an attempt must be made to involve the family in any rehabilitation plan, subject to the confidentiality restrictions of 42 CFR Part II.

K. Refusal or failure by a pupil's parent(s)/guardian(s) 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 I BA:38-31) and/or child neglect (N.J.S.A. 9:6-1 *et seq.*) laws.

III. Enforcement of Drug-free School Zones

The Board recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, consumption, possession, and distribution of tobacco, substances and substance paraphernalia. The Board further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school grounds. 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 Burlington County Prosecutor and approval by the Burlington 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).

The Superintendent or his/her designee may disclose to law enforcement authorities the identity of a pupil suspected to be under the influence of substances; however, the Superintendent or his/her designee shall disclose to law enforcement authorities the identity of a pupil reasonably believed to be in possession of substances or substance paraphernalia, or a pupil reasonably believed to be involved or implicated in distribution activities regarding substances.

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IV. Law Enforcement Liaison

In order to ensure that such cooperation continues, the Superintendent shall designate a school district liaison(s) to law enforcement agencies and prescribe the roles and responsibilities of the school liaison(s). Such assignment shall be in accordance with the Collective Bargaining Agreement, if applicable.

V. Law Enforcement/Undercover Operations

The Board hereby recognizes that the Superintendent may request assistance from law enforcement authorities, and request that law enforcement authorities conduct an undercover operation in the school if there is reason to believe that substance use and/or substance distribution is occurring on school grounds and that a less intrusive means of law enforcement intervention would be ineffective. The Board hereby authorizes the Superintendent to request such intervention as may be appropriate under these circumstances. The Board recognizes that the Superintendent is not permitted to ask the Board's approval for such 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 on school grounds. 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 the Superintendent 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 pupils and the District.

The Superintendent or his/her designee shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Superintendent, Principal, or any other school staff or member of the Board who may have been informed about the undercover operation is required to immediately communicate information to the Burlington County Prosecutor or his/her designee if the integrity of the undercover school operation has been compromised in any way.

At the completion of an undercover operation, and with the consent of the appropriate law enforcement authority, the Superintendent shall report to the Board regarding the nature of the operation, and the result of the operation.

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

Any school employee who has reason to believe a pupil(s) or a staff member(s) is using, possesses and/or distributes a substance or substance paraphernalia on school grounds, either before, after or during the school day, at any school related activity on school grounds such as athletic events, performances, lectures, dances, proms, and other school related events school-sponsored and/or Board approved, shall bring that information to the Building Principal(s) who, in turn, shall report same to the Superintendent. The Superintendent or his/her designee will 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 or his/her designee will cooperate with the law enforcement authorities in accordance with the law and administrative code. The Superintendent or Building Principal(s) will provide the officials with a room in an area away from the general student population in which to conduct their law enforcement duties. The Superintendent or his/her designee may also 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, Building Principal(s) 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 Building Principal(s) shall immediately notify the pupil's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the use, consumption, possession, sale, or distribution of any substance or substance paraphernalia.

Whenever the police have been summoned to a school building by the Superintendent or building Principal(s), 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.

VII. Police Presence at Extracurricular Activities

The Superintendent or his/her designee are 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 or his/her designee believe(s) that uniformed police presence is necessary to deter illegal substance use or distribution, or to maintain order or crowd or traffic control at a school function.

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VIII. Resolving Disputes Concerning Law Enforcement Activities

The Board authorizes the Superintendent or his/her designee 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 or his/her designee shall work in conjunction with the Burlington 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.

IX. 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 of a pupil regarding or in relation to tobacco or substance-abuse counseling or treatment program including, but not limited to, the District's own tobacco or 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.

X. 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 the law, including N.J.A.C. 6A:16-3.1.

XI. Annual Review

The Board will establish an annual process to review the effectiveness of its Substance Abuse / Drugs, Alcohol and Tobacco Policy, and related policies and procedures, as well as the Memorandum of Agreement entered into with the appropriate law enforcement agency. The Board will solicit community input, as well as consult with the Burlington County Superintendent, the Burlington County Prosecutor's Office, and local agencies recommended by the New Jersey Department of Health in the review process.

XII. Availability of Policy

Alcohol, tobacco 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(s)/guardian(s). This policy shall be in each building, and notification of its availability shall appear annually in the Student/Parent Handbook.

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XIII. Procedures

The Superintendent shall develop procedures for:

- i. A comprehensive program of substance use/abuse education;
- ii. The identification and remediation of pupils involved with and/or using substances;
- iii. The examination and treatment of pupils suspected of being under the influence of substances to determine the extent of the pupil's substance use or dependency;
- iv. The treatment of pupils who use, consume, possess or distribute substances in violation of the law or this policy through referral to an appropriate substance abuse program as recommended by the Department of Health;
- v. The discipline of pupils who use, consume, possess or distribute substances or substance paraphernalia in violation of the law or this policy; and
- vi. The readmission to school and treatment of pupils who have been convicted of substance offenses.

These procedures shall be developed within six months of the effective date of this policy.

Legal References:

N.J.S.A. 2A:62A-4

Reports by educational or noneducational personnel on dependency upon or illegal use of controlled dangerous substances or use of intoxicating vapor releasing chemicals; immunity from liability

N.J.S.A. 2A:170-25.9

Definitions

N.J.S.A. 2C:29-3a

Hindering apprehension or prosecution

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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	Bringing or possessing remotely activated paging device by pupil on property used for school purposes without express written permission of school board; disorderly persons offense
N.J.S.A. 2C:35-1 <i>et seq.</i> <i>See particularly:</i> N.J.S.A. 2C:35-7, -10	New Jersey Comprehensive Drug Reform Act
N.J.S.A. 2C:35-11	Imitation Controlled Dangerous Substance; Distribution, Possession, Manufacture, etc.
N.J.S.A. 2C:36-1 <i>et seq.</i>	Drug Paraphernalia
N.J.S.A. 9:6-1 <i>et seq.</i>	Abuse abandonment, cruelty, and neglect of child; what constitutes
N.J.S.A. 9:17A-4	Consent by minor to medical care or treatment; venereal disease, sexual assault, drug user alcoholism; notice and report of treatment; confidentiality

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N.J.S.A. 18A:25-2	Authority over pupils
N.J.S.A. 18A:36-19.2	Pupil locker or other storage facility; inspections; notice to pupils
N.J.S.A. 18A:37-1	Submission of pupils to authority
N.J.S.A. 18A:37-2	Causes for suspension or expulsion of pupils
N.J.S.A. 18A:38-25	Attendance required of children between six and 16; exceptions
N.J.S.A. 18A:38-31	Violations of article by parents or guardians; penalties
N.J.S.A. 18A:40A-1 <i>et seq.</i> <i>See particularly</i> N.J.S.A. 18A:40A-1, -2, -3, -4, -5, -9, -10, -11, -12, -13, -14, -15, -16, -18, -19	Substance abuse
N.J.S.A. 24:21-2	Definitions (New Jersey controlled dangerous substances)
N.J.S.A. 26:3D-55 <i>et seq.</i>	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 <i>et seq.</i> <i>See particularly</i> N.J.A.C. 6A:16-1.3, -1.4, -1.5, -2.2, -3.1, -3.2, -4.1, -4.2, -4.3, -5.3, -6.1 through -6.5, -7.1 through -7.7,	Programs to Support Pupil Development

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-8.1 through 8.3

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 C.F.R. 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 Reg'l Sch. Dist., 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).

New Jersey v. Jeffrey Engerud, 93 N.J. 308 (1983).

Honig v. Doe, 484 U.S. 305 (1988).

Vernonia Sch. Dist. v. Acton, 515 U.S. 646 (1995).

In the Matter of the Tenure Hearing of Graceffo, 2000 S.L.D. (September 2002).

Bd. of Educ. of Indep. Sch. Dist. No. 92 of Pottawatomie County v. Earls., 536 U.S. 822 (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).

New Jersey State Interscholastic Athletic Association Handbook, Procedure - Alcoholic Beverages/Illegal Substances at Interscholastic Events.

New Jersey State Interscholastic Athletic Association Steroid Testing Policy (2005).

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