| Merchantville Board of Education<br>130 South Centre Street<br>Merchantville, NJ 08109 | File Code : 5131.6<br>Adopted : 10/25/2005<br>Revised : 08/28/2018<br>Reviewed : 06/03/2024 |
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# Drugs, Alcohol, Tobacco
## (Substance Abuse)

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.

The board of education recognizes that tobacco is a gateway drug and highly addictive and that the use of tobacco products is a health, safety, and environmental hazard for students, employees, visitors, and school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related or school-sponsored events is detrimental to the health and safety of students, faculty/staff and visitors. The board acknowledges that adult employees and visitors serve as role models for students. The board recognizes that it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use for the students, employees, and visitors on the school campus. Finally, the board recognizes that it has a legal authority and obligation pursuant to P.L. 2005, Chapter 383 New Jersey Smoke-Free Air Act as well as the federal Pro-Children's Act, Title X of Public Law 103-227 and the No Child Left Behind Act, Part C, Environmental Smoke, Section 4303.

Drugs, Alcohol, Steroids

A. 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.

1. The board of education prohibits the use, possession and/or distribution of any drug, alcohol, 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. Pupils suspected of being under the influence of drugs, alcohol, 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 student assistance 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, 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 suspected of involvement with alcohol, drugs or steroids away from school premises will be advised of appropriate treatment and remediation (N.J.S.A. 18A:40A-10). Treatment services for students who are affected by alcohol or other drug use will be provided by individuals who are certified as student assistance coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up. Treatment will not be at the board's expense.

2. 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. Pursuant to N.J.S.A. 18A:40A-16 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.

B. Law Enforcement for Drugs and Alcohol

1. 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, establish a 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 executive county superintendent of schools. The Memorandum of Agreement shall be consistent with the Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials.

2. Law Enforcement Liaison

In order to ensure that such cooperation continues, the board directs the chief school administrator 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.

3. Undercover Operations

The board hereby recognizes that the chief school administrator 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 chief school administrator to request such intervention under these circumstances. The board recognizes that the chief school administrator 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 chief school administrator to request that an undercover operation be established in a district school. The board recognizes that the chief school administrator is prohibited from discussing the request with the board. The board hereby authorizes the chief school administrator 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 chief school administrator and school principal to cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator, 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 chief school administrator shall report to the board regarding the nature of the operation, the result of the operation, and any serious problems encountered during the operation.

4. 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 chief school administrator. The chief school administrator 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 chief school administrator 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 chief school administrator 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 chief school administrator 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 chief school administrator 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 chief school administrator, the chief school administrator 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.

5. 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 State in re T.L.O. 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O. 569 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 chief school administrator 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 chief school administrator shall request that the law enforcement officials conduct the search, seizure, or interrogation.

6. Police Presence at Extracurricular Activities

The chief school administrator 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 chief school administrator 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.

7. Resolving Disputes Concerning Law Enforcement Activities

The board authorizes the chief school administrator 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 chief school administrator 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.

8. 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 confidential. See 42 CFR 2 and N.J.A.C. 6A:16-6.5.

Tobacco

Tobacco use is now recognized as a chronic disease and public health hazard. Tobacco use is associated with conditions such as heart disease, emphysema, asthma, high blood pressure, diabetes, and many other chronic diseases. The most effective strategy for discouraging tobacco use by young people is a wellness strategy that supports prevention, intervention, and cessation.

A. Tobacco Use and Possession

1. No student, faculty/staff member or school visitor is permitted to use any tobacco product:

a. In any building, facility, or vehicle owned, leased, rented or chartered by the district;

b. On any school grounds and property—including athletic fields and parking lots—owned, leased, rented, utilized (e.g., adjacent parking lots)or chartered by the board of education;

c. At any school-sponsored or school-related event on-campus or off-campus (e.g., field trips, proms, sporting events off campus, etc).

2. In addition, school district employees, school volunteers, contractors or other persons performing services on behalf of the school district (e.g., bus drivers) also are prohibited from using tobacco products at any time while on duty in accordance with their contracts or in the presence of students, either on or off school grounds.

3. Further, no student is permitted to possess a tobacco product while in any school building, while on school grounds or property or at any school-sponsored or school-related event, or at any other time that students are under the authority of school personnel.

B. Definition of Tobacco Products and Tobacco Use

For the purposes of this policy:

1. “Tobacco product” is defined to include but is not limited to cigarettes, cigars, blunts, bidis, pipes, chewing tobacco and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products (excluding quit products);

2. “Tobacco use” includes smoking, chewing, dipping, or any other use of tobacco products;

3. “Electronic smoking device” means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

C. Signage

Signs will be posted in a manner and location that adequately notify students, faculty/staff and visitors about the Comprehensive Tobacco-Free School Policy.

D. Compliance for Students

In recognition that tobacco use is a public health issue and that tobacco is a gateway drug and highly addictive, the board of education recognizes that intervention rather than punishment is the most effective way to address violations of this policy. Students who violate the school district’s tobacco-use policy will be referred to the student assistance coordinators (SAC), guidance counselor, a school nurse, or other health or counseling services for all offenses for health information, counseling, and referral. The

administration will consult with appropriate health organizations in order to provide student violators with access to an Alternative-to-Suspension (ATS) program. The ATS program will provide up-to-date information on the many consequences of tobacco use, offer techniques that students can use to stop tobacco use at school, and provide referrals to local youth tobacco cessation programs.

Parents/guardians will be notified of all violations and actions taken by the school. Schools may also use community service as part of the consequences. Ordinarily, and consistent with a wellness strategy, suspension will only be used after a student has three or more prior violations or has refused to participate in other outlined measures.

E. Compliance for Faculty, Staff, and Visitors

As with students, intervention rather than punishment is the most effective way to address adult violations of this policy. Faculty or staff who violate the school district's tobacco-use policy will be referred to the Employee Assistance Program (EAP) or a tobacco cessation program. Employees who repeatedly violate the policy or do not comply with intervention or cessation referrals may be subject to consequences in accordance with district policy and their contract. Visitors using tobacco products will be informed about the policy and asked to refrain while on school property. Visitors who continue to violate the policy will then be asked to leave the premises. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property.

F. Opportunities for Cessation

The administration will consult with the county health department and other appropriate health organizations (e.g., American Lung Association, American Cancer Society, etc.) to provide students and employees with information and access to support systems, programs and services (e.g., NJDHSS Quitline 1 866 NJSTOPS (657-8677) and njquitline.org) to encourage them to abstain from the use of tobacco products.

G. Prevention Education

The administration will consult with appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean and inviting school environment.

H. Procedures for Implementation

The administration will develop a plan for communicating the policy that may include information in student and employee handbooks, announcements at school-sponsored or school-related events, and appropriate signage in buildings and around campus. A process that identifies intervention and referrals for students, faculty/staff, and visitors who violate the policy will be created and communicated to all students, faculty/staff and parents.

Ongoing Implementation of this Policy

A. Prevention Education for Students

The board will enforce the laws of New Jersey requiring a program of drug, alcohol, steroid, and tobacco education. The chief school administrator 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 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, steroid, and tobacco education shall be integrated with the health curriculum

B. Faculty Education and Inservice Training

All district personnel shall be alert to signs of alcohol, drug, steroid, and tobacco use by pupils and shall respond to those signs in accordance with procedures established by the chief school administrator of schools. The board of education will provide inservice training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, steroids, and/or tobacco and in helping pupils with drug-, alcohol-, steroid-, and tobacco-related problems in a program of rehabilitation. The chief school administrator 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.

C. Annual Review and Distribution of Policy

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 executive county superintendent, local community members, and the county prosecutor's office.

In accordance with N.J.S.A. 18A:40A-10, copies of the policy statement shall be distributed to pupils and their parents/guardians at the beginning of each school year. Board policy and procedures shall be disseminated annually to all school staff, students and parents through the district website or other means (N.J.A.C. 6A:16-4.2).

D. Administrative Regulations

The chief school administrator may develop administrative regulations for:

1. A comprehensive program of drug, alcohol, steroid, and tobacco education;

2. The identification and remediation of pupils involved with drugs, alcohol, steroids, and tobacco;

3. The examination and treatment of pupils suspected of being under the influence of drugs, alcohol, steroids, or tobacco to determine the extent of the pupil's use or dependency;

4. The treatment of pupils who use, possess or distribute drugs, alcohol, steroids, and tobacco in violation of law or this policy through referral to an appropriate drug/alcohol/tobacco 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, steroid, or tobacco offenses.

E. Reporting and Liability

The chief school administrator will annually submit a report utilizing School Safety Data System (SSDS) accurately reporting on each incident of violence, vandalism and alcohol and other drug abuse within the school district. Any allegations of falsification of data will be reviewed by the board of education using the requirements and procedures set forth in N.J.A.C. 6A:16-5.3(g). Board action shall be based on a consideration of the nature of the conduct, the circumstances under which it occurred, and the employee's prior employment record.

At an annual hearing the chief school administrator shall report to the board all acts of violence and vandalism and incidents of alcohol and other drug abuse that occurred during the previous school year.

Any staff member who reports a pupil to the principal or his/her designee in compliance with the provisions of this policy 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.

F. Confidentiality Requirements

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

G. Parental Compliance

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.

Date:

Legal References: Use legal reference sheet.

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

## Key Words

Drugs, Alcohol, Tobacco, Steroids, Substance Abuse, Smoking, Drinking, Drug Testing

**Legal References:**

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| 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 |
| N.J.S.A. 2C:29-3a | Hindering apprehension or prosecution |
| N.J.S.A. 2C:33-15 | Possession or consumption of alcoholic beverage by person under legal age, penalty |
| 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:35-7, -10 | |
| N.J.S.A. 2C:35-10.4 | Definitions |
| N.J.S.A. 9:6-1 et seq. | 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 or drug useor dependency; notice and report of treatment; confidentiality |
| N.J.S.A. 18A:25-2 | Authority over pupils |
| N.J.S.A. 18A:36-19.2 | Student locker or other storage facility; inspections; notice to students |
| 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 sixteen, exceptions |
| 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 |

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| 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)

## Possible

**Cross References:**

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| *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 |

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| *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.

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