

HADDON TOWNSHIP BOARD OF EDUCATION
Procedures for Policy #3218

3218. CONTROLLED DANGEROUS SUBSTANCES (PROCEDURES)

The Haddon Township Board of Education, concerned with the health, welfare, and protection of its students and staff, forbids the possession, use, and sale and/or distribution of CDS by students and staff. The policy and procedures stated below represent reasonable and prudent procedures to be followed when a student/staff member is allegedly involved in using CDS. Since alcohol is also considered a CDS, the procedures to be followed when misused are the same as drugs.

Each case of student/staff abuse of CDS will have certain unique ramifications. Obviously, actions taken will be dependent upon the varying degree of involvement which would include alleged possession of CDS, students/staff allegedly under the influence of CDS, and the alleged sale and/or distribution of CDS or paraphernalia on school grounds or at school related activities. The procedures which are recommended delineate the roles and responsibility of the faculty, guidance staff, child study staff, medical staff, administration, law enforcement officials, Student Assistance Program Core Team, and the Board of Education.

Definitions

1. For the purpose of this policy, the term Controlled Dangerous Substance shall mean:
 - a. Alcoholic beverages.
 - b. Any controlled dangerous substance, as identified in N.J.S.A. 24:21-5-8; and or
 - c. Any chemical or chemical which releases vapor 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 defined in N.J.S.A. C.35-1 etc.
 - d. Anabolic steroids.
2. Substance Awareness Coordinator - Generally plans and supervises anti-alcohol and drug programs and policies.

3. Substance Abuse Counselor - Counsels students with alcohol or drug related problems as needed on an interim or long term basis.

The Student Assistance Program Core Team provides the school with a systematic process for helping students who are having school-related difficulties as a result of their own alcohol/drug use or the use by a family member. The SAP Core Team is composed of representatives from administration, instructional staff, guidance, child study team, and includes the school nurse, the Substance Awareness Coordinator, and the Substance Abuse Counselor.

Memorandum of Agreement

The Board 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 county superintendent of schools. The Memorandum of Agreement shall be consistent with the School Zone Enforcement Code (N.J.A.C. 6:3-6.1-6.6), Statewide Action Plan for Narcotics Enforcement and the Attorney General's Executive Directive 1988-1.

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 she/he 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 she/he 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.

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 Pupil/Staff 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 C.F.R. 2 and N.J.A.C. 6:3-6.3 et seq.

Annual Review

The Board will review annually in July 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.

The Drug and Alcohol Task Force and a representative of Genesis will be requested to review this policy each July.

Availability of Policy

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

Education

Teachers shall be guided by the drug and alcohol education program approved by the Board as a part of the health education curriculum in accordance with State Board rules and Department of Education guidelines. Drug education in the elementary grades will be appropriate to the age and maturity of pupils. Teachers and administrators will be requested to evaluate annually the effectiveness of the drug and alcohol education programs.

The Board of Education will comply with laws of New Jersey requiring a program of alcohol and drug education and provide a comprehensive curriculum for such instruction in grades K through 12. A minimum of 10 clock hours per school year of alcohol and drug education at the secondary level shall be integrated with the health curriculum pursuant to N.J.S.A. 18 A:4-28.7.

The Board of Education shall recommend that a parent/guardian attend substance abuse educational programs offered at times and places convenient to the parents of the district.

Prohibitions

The use, possession, sale, distribution, or possession with intent to sell/distribute any controlled dangerous substance or paraphernalia at any time is prohibited:

- 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.
- e. Upon school transportation vehicles.

Use of any controlled dangerous substance prior to participation in the activities listed above is prohibited.

The provisions of this policy pertaining to possession or use shall not apply to the appropriate use of prescription medicines prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

A student who sees a CDS or paraphernalia on school property or at a school function should notify a staff member immediately.

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, possessing, selling or distributing controlled dangerous substances or drug paraphernalia in any of the above situations 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. She/he 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 or 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 Court in *New Jersey v. T.L.O.*, U.S. 325 (1985), as set forth in Appendix C of the Attorney General's Statewide Action Plan for Narcotics Enforcement.

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 or his/her designee 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 parent or guardian 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.

Intervention Procedures

A. Students suspected of being under the influence of alcohol or other drugs, excluding anabolic steroids

1) Whenever it shall appear to any staff member (professional or support) that a student may be using or be under the influence of alcohol, or other drugs, such person shall report the matter as soon as possible to the school nurse or medical inspector, principal or designee, and to the Substance Awareness Coordinator. 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 student will be removed to a protective environment until the parent(s)/guardian(s) can be contacted. Provisions shall be made for the appropriate care of the pupil while awaiting the results of the medical examination.

3) The principal or designee shall immediately notify the parent(s)/guardian(s) and arrange for an immediate examination and testing of the student by a doctor selected by the parent(s)/guardian(s). If such doctor is not immediately available, the student shall be taken to a medical and testing facility designated by the Board of Education for testing and examination. The student shall be accompanied by the parent(s)/guardian(s) or the principal or his designee if the parent(s)/guardian(s) is not available.

If at the request of the parent(s)/guardian(s) the testing and examination is conducted by a physician other than that designated by the Board of Education, such examination shall not be at the expense of the Board of Education.

The student shall be examined within two hours of the initial report of suspicion for being under the influence of controlled dangerous substances for the purpose of diagnosing whether or not the student is under such influence.

Failure of parent/guardian to comply with the requested testing will result in a referral of the parent/guardian to the Division of Youth and Family Services for charges of neglect. Students over 18 who fail to take the test may be referred to the police and will be deemed insubordinate under the school discipline code. At such time further disciplinary consequences will be invoked.

4) A written report of said examination and test results shall be furnished within 24 hours by the examining physician to the

parent(s)/guardian(s) or the student and to the principal. The superintendent and Substance Awareness Coordinator will also be notified upon a positive diagnosis.

If the written report of the examination is not submitted to the parent(s)/guardian(s), 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.

B. Students found to be under the influence of controlled dangerous substances, excluding anabolic steroids

1) If there is a positive diagnosis from the medical examination indicating that the student is under the influence of controlled dangerous substances, the student shall be returned to the care of a parent/ guardian as soon as possible and the appropriate data shall be furnished to the Department of Health pursuant to N.J.S.A. 26:2g-17 et seq.

2) When test results are positive for any CDS involvement, attendance at school shall not resume until a written report has been submitted to the principal from a physician who examined the student. The report must certify that substance abuse no longer interferes with the student's physical and mental ability to perform in school.

3) The student shall be interviewed by the Substance Abuse Counselor, SAC or other appropriately trained staff member for the purpose of determining the extent of the student's involvement with controlled dangerous substances and possible need for treatment. In order to make this determination, the Substance Abuse Counselor or staff member may conduct a reasonable investigation which may include interviews with the student's teachers and parents. The Substance Abuse Counselor or other staff member may also consult experts in the field of controlled dangerous substance abuse as may be necessary and appropriate. 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 Substance Abuse Counselor or other staff member shall refer the student to an appropriate treatment program which has been approved by the Commissioner of Education.

4) If a pupil is identified as having a controlled dangerous substance abuse problem and there is reason to believe that his or her education appears to be affected by the controlled dangerous substance use, a screening by the Child Study Team will be conducted.

5) The school may require additional evaluation for the purpose of determining the extent of the student's controlled dangerous substance use and its effect on his or her school performance. The Camden County Division of Alcohol and Substance Abuse's Early Intervention Program, hereinafter referred to as the Early Intervention Program, shall be used for this evaluation at no cost to the parent(s)/guardian(s). Should the parent(s)/guardian(s) elect to choose another program, it will be at their expense and must be approved by the Substance Abuse Counselor, SAC and the principal. Should the school make the referral to the Early Intervention Program, the following conditions will apply:

- a. The student and parent(s)/guardian(s) must schedule an initial interview with the Early Intervention Program or alternate approved program before the student may return to school. Confirmation of the interview is required for returning to school.
- b. If confirmation is not received the student shall be placed on homebound instruction until confirmation is received. If the student or parent(s)/guardian(s) continue to refuse to participate, the student shall remain on homebound instruction.
- c. The recommendation of the Early Intervention Program shall determine what, if any counseling, treatment or intervention is necessary.
- d. If the Early Intervention Program is recommended, the student and parent(s)/guardian(s) shall agree to attend. Verification shall be made by the Substance Abuse Counselor and SAC on a regular basis to insure the sessions are being attended.
- e. If the Early Intervention Program is not being maintained, the student shall be placed on Homebound Instruction.
- f. If the Early Intervention Program recommendation(s) includes treatment beyond the Early Intervention Program's capability, the parent(s)/guardian(s) shall agree with the recommended treatment and take immediate action to arrange for this treatment. Until this is done, the student shall be placed on homebound instruction or in another educational setting depending on the treatment recommended.

6) While a student is receiving medical or therapeutic care for a diagnosed controlled dangerous substance dependency problem, provisions for a program of intervention, curriculum, and related services will be provided.

7) Pupils who are in care or returning from care for controlled dangerous substance dependency will receive proper referral and support services from guidance, Substance Abuse Counselor and SAC.

8) Any incidence of use, possession, sale or distribution, or attempt to distribute by students, will be reported to the County Superintendent of Schools by the superintendent in an annual report.

9) The principal or a designee will complete a Violence, Vandalism and Substance Abuse Report for each incidence where evidence or diagnosis is confirmed by school officials.

C. Students suspected of using 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 pupil 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 and shall arrange for an examination of the pupil by a doctor selected by the parent or guardian or by the medical inspector. If, at the request of the parent(s)/guardian(s), the examination is conducted by a physician other than the school's medical inspector, such examination shall not be at the expense of the Board of Education. The pupil shall be examined as soon as possible for the purpose of diagnosing whether or not the pupil has been using anabolic steroids.

3) A written report of that examination shall be furnished by the examining physician within 24 hours to the parent or guardian of the pupil and to the superintendent of schools.

Failure of parent/guardian to comply with the requested testing will result in a referral of the parent/guardian to the Division of Youth and Family Services for charges of neglect. Students over 18 who fail to take the test may be referred to the police and will be deemed insubordinate under the school

discipline code. At such time further disciplinary consequences will be invoked.

4) If it is determined that the pupil has been using anabolic steroids, the pupil shall be interviewed by a substance awareness coordinator or another appropriately trained teaching staff member for the purpose of determining the extent of the pupil'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 pupil'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 pupil's involvement with and use of these substances represents a danger to the pupil's health and well-being, the coordinator or other teaching staff member shall refer the pupil to an appropriate treatment program which has been approved by the Commissioner of Health.

Consequences for Involvement with Controlled Dangerous Substances

A. Students found to be under the influence of controlled dangerous substances, or other drugs will be subject to the following disciplinary measures:

1st OFFENSE - 10 day internal suspension. Ineligibility to participate in athletic or co-curricular activities for four weeks. Parents notified. Referral to Substance Abuse Counselor and to the police.

2nd OFFENSE - 10 day internal suspension. Twelve weeks ineligibility. Parents notified. Referral to Substance Abuse Counselor and to the police.

3rd OFFENSE - 10 day internal suspension. One-year ineligibility. Parents notified. Mandatory counseling and referral to the police.

B. Students found to be possessing, selling, distributing controlled dangerous substances or drug paraphernalia will be subject to the following disciplinary measures:

Under recent amendments to the New Jersey State Criminal Code, any person convicted of distributing or dispensing a controlled dangerous substance or controlled dangerous analogue while on school property or a school bus, or within 1,000 feet of school property or a school bus, may be subject to a mandatory

prison term as proscribed by law and may be fined up to \$100,000. The Board of Education and school administrators will cooperate fully with law enforcement agencies in the enforcement of this criminal statute.

1st OFFENSE - 10 day internal suspension. Four weeks ineligibility. Parent(s)/guardian(s) notified. Medical examination and doctor's note required to re-enter school. Referral to Substance Abuse Counselor. Police referral for appropriate legal action. However, in cases involving the sale and/or distribution of CDS or paraphernalia, the administration can recommend that the Superintendent of Schools seek approval by the Board of Education for expulsion or other appropriate action deemed necessary to protect the welfare of the student body.

SECOND OR THIRD OFFENSES - may generally be addressed in the same manner as indicated in Section A.

C. Reporting to Law Enforcement and Appropriate Agencies

1) The superintendent or designee is required to report to law enforcement all suspected or known cases of possession and possession with intent to sell or distribute prescribed substances.

2) The principal is required to refer to the Camden County Division of Alcohol and Substance Abuse and the Camden County Health Department all suspected or known cases of possession and possession with intent to sell or distribute controlled dangerous substances. Also referrals may be made to a community agency recommended by the State Department of Health.

3) The assistant principal is required to report immediately to the principal all cases of use, possession, and possession with intent to sell or distribute.

4) Questioning of a student suspected of being under the influence of or in possession of alcohol, anabolic steroids, other drugs or drug paraphernalia by appropriate law enforcement authorities shall not take place on the school premises except in the presence of the student's parent(s)/guardian(s) or their designated representative.

D. Staff and Other Adults

The board believes that the responsibility for implementing this policy rests with all members of the Haddon Township School

District staff and expects all staff members to implement the policy under the direction of the administration.

Any staff member who reports a pupil to the principal or his or 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 specified in N.J.S.A. 18A:40A-13 and N.J.S.A. 18A:40A-14.

Any staff member or other adult found in violation of this policy shall be liable for disciplinary sanction by the Board of Education up through and including termination where appropriate. The board also will refer for prosecution any employee or other adult found to be in violation of any drug statute.

Any staff member who is found in violation and not terminated will be responsible to re-enter through the Substance Awareness Coordinator, who will provide proper referral and information to the employee regarding the substance abuse and corrective measures.

Any staff member who voluntarily would like any information about drugs, alcohol, rehabilitation and referral for counseling may get such information through the Substance Awareness Coordinator or Substance Abuse Counselor.

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