

SUBSTANCE ABUSE

The East Orange Board recognizes that the illegal use of alcohol, tobacco, controlled dangerous substances and anabolic steroids constitutes a hazard to the positive development of students and encourages conduct of such character as to constitute a continuing danger to the physical well-being of themselves or other students. In addition to maintaining a realistic, meaningful drug education program, the public schools of East Orange shall be actively concerned with drug, tobacco and alcohol and anabolic steroids use and abuse by students. This policy refers to the use and possession of: Alcoholic beverages; Any controlled dangerous substance, as identified in N.J.S.A. 24:21-2; and/or any chemical or chemical compound 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. 2A:170-25.9, any chemical not prescribed for the student by a physician that causes physical or behavioral changes.

Therefore, the Superintendent shall direct development of a program for evaluation and treatment of students found possessing or using tobacco alcohol or drugs on school property or at school functions; on or off premises and the prevention of use by all students and shall:

- A. Ensure that all intervention, assessment and treatment activities will be carried out in compliance with the confidentiality requirements established in Federal regulations found in 42 CFR Part II.
- B. Be concerned with education and prevention in all areas of drug/alcohol use and abuse;
- C. Establish and maintain a realistic, meaningful drug/alcohol education program that shall be incorporated into the total educational process; (N.J.S.A. 18A:40A-1).

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- D. Establish and maintain an ongoing inservice drug/alcohol education program for all school personnel;
- E. Counsel and provide information and referral to students involved in or affected by drug/alcohol use;
- F. Cooperate with local, state, federal and approved private agencies that are involved with student health and drugs/alcohol.
- G. Encourage and support student-run organizations and activities that will develop a positive peer influence in the area of drugs/alcohol.

The East Orange Board of Education shall create an ombudsman climate whereby students may seek and receive counseling about drugs and related problems without fear of reprisal. The ombudsman relationship does not apply when:

1. A student is apprehended by a staff member or security/police officer and is charged with being seen using and/or illegal possession of controlled dangerous substance;
2. In the best opinion of a staff member or security/police officer, a student appears to be under the influence of alcohol or a unknown or controlled dangerous substance.

The Superintendent shall establish, detailed procedures for dealing with students who are apprehended for the illegal use and/or possession of controlled dangerous substances including consideration of suspension/expulsion, and the mandatory reporting to appropriate law enforcement agencies.

The Superintendent is authorized to compile and maintain student records for a period of time not to exceed the length of individual expulsions for drug abuse for which the records are being kept; and to destroy those records that are no longer viable to the student expulsion process.

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Smoking in school buildings and on school worksite, property or structure is prohibited. Every effort shall be made to provide information as to the injurious effect of tobacco products and to discourage smoking among staff and students.

Board policy and implementation of administrative regulations on drugs/alcohol shall be reviewed, evaluated, and made available annually, and shall be distributed annually to all school staff members, pupils and parents.

#### 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 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 through -6.6), Statewide Action Plan for Narcotics Enforcement and the Attorney General's Executive Directive 1988-1.

\*See 4119.231 and 4219.231 for Employee Assistance Program policy.

Date: November 18, 1986  
Revised: September 15, 1987  
Revised: February 16, 1988  
Revised: March 4, 1997  
Adopt: May 20, 1997  
Readopt: May 17, 2004

Legal References:      N.J.S.A. 2C:33-16      Alcoholic beverages;  
bringing or possession on  
school property by person of  
legal age; penalty

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<u>Legal References:</u>	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 devices by student on property used for school purpose without express written permission of school board; disorderly persons offense
	N.J.S.A. 2C:35-1	New Jersey Comprehensive Drug Reform Act of 1987
	<u>See particularly:</u>	
	N.J.S.A. 2C:35-10	
	N.J.S.A. 9:17A-4	Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality
	N.J.S.A. 18A:25-2	Authority over 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:36-19.2	Student locker or other storage facility; inspections; notice to students
	N.J.S.A. 18A:40A-1	Substance abuse
	<u>See particularly:</u>	
	N.J.S.A. 18A:40A-1,-2,-3,-4,-5,-9,-10,-11,-12,-13,-14,-15,-16,-18,-19	
	N.J.S.A. 24:21-2	Definitions (New Jersey controlled dangerous substances)

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Legal References:

N.J.S.A. 26:3D-15 through -21	Legislative findings and declarations ... (smoking in educational institutions)
N.J.A.C. 6:8-4.5	Curriculum and instruction
N.J.A.C. 6:8-4.7	Pupil behavior
N.J.A.C. 6:11-11.5	Substance awareness coordinator
N.J.A.C. 6:28-2.8	Disciplinary action
N.J.A.C. 6:29-6.1	Substance abuse
N.J.A.C. 6:29-10.1	Safe and drug free schools

Attorney General's Executive Directive No. 1988-1

Anti Drug Abuse Act of 1988- November, 1988

Drug Free Workplace Act of 1988 Enacted  
November, 1988 (Pub. L > 100-690, Title V, Subtitle  
D) 102 Stat. 4305-5308

Regulations Under Drug Free Workplace Act 54,  
C.F.R. 4946 (1/31/89)

34 CFR Part 2--District drug prevention program  
certification

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)

New Jersey v. T.L.O. 469 U.S. 325 (1985)

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**Legal References:**

State of New Jersey v. Jeffrey Engerud 94 N.J. 331  
(1983)

Honigv.Doe 108 S. Ct. 592 (1988)

Manual for the Evaluation of Local School Districts  
(June 1993)

**Cross References:**

1330	Use of school facilities
1410	Local units
5114	Suspension and expulsion
5124	Reporting to parents/guardians
5125	Pupil records
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
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6173	Home instruction