

SUBSTANCE ABUSE

The Board of Education recognizes that in addition to introducing and maintaining a comprehensive substance abuse education program at all grade levels, a policy must be adopted committing the School District to establish a procedure to aid students to seek help to correct possible substance dependency and/or abuse problems.

For purposes of this policy, "substance" shall mean/ include the use of tobacco product whether smoked, chewed or sniffed, alcoholic beverages, and controlled dangerous substances as defined in N.J.S.A. 24:21-2 or any chemical or chemical compound which releases 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 defined in N.J.S.A. 2A:170-25.9.

"Substance abuse" shall mean the consumption or use of any substance as defined herein for purposes other than for the treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings.

- A. The primary objective of this policy is to devote the energies of the Board of Education and the administrative and instructional staff of the School District to the prevention of substance use and from the proliferation of the same into our schools, with the prime concern of protecting non-using students, and further, the destruction of the potential marketplace which the school or schools can easily become.
- B. The Board of Education, together with the administrative staff and the instructional staff, feels every effort must be made to educate young people, of all grades, on the dangers of substance use.
- C. Every effort must be made to provide the necessary attitude and value changes in those young people who are currently using drugs of all kinds.
- D. There is a clear procedure to handle the possible tobacco and/or drug, alcohol, and anabolic steroid related situations involving students of the Old Tappan School District on or off school property.
- E. Students who are found using tobacco products shall be subject to discipline including, but not limited to:
 - 1. parental contact
 - 2. placement of a letter in the student's file
 - 3. suspension,
 - 4. referral to a counselor for assistance in quitting,
 - 5. all sanctions imposed by statute, code and case law.
- F. There are provisions for the evaluation and referral for treatment of students, as those terms are defined by law (N.J.A.C. 6A:16-1.3), who are affected by drug or alcohol use.
- G. The Board of Education has consulted with local agencies recommended by the state department of health in preparation of tobacco, drug and alcohol policies and procedures and

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will continue such consultation and in addition thereto shall solicit community input as an annual process to review the effectiveness of its alcohol and drug policies and procedures.

- H. Substance abuse policies and procedures for discipline, evaluation, intervention, and treatment of drug and alcohol affected students shall be made available annually to all school staff, students, and parents or guardians.
- I. Compliance with the confidentiality requirements established in federal regulations found at 42 CR Part II will be adhered to.
- J. Assessment of students must be conducted by individuals who are certified by the New Jersey State Board of Examiners as substance awareness coordinators or by individuals who are appropriately certified by the New Jersey State Board of Examiners and trained in alcohol and other drug abuse prevention.
- K. Community agencies taking student referrals must be approved by the County Local Advisory Council on Alcoholism and Drug Abuse or the State Department of Health.

Curriculum and Instruction

- A. The Board of Education shall continue to incorporate into the curriculum for elementary school grades, drug, alcohol, tobacco, and steroid education appropriate for students given their age, maturity, and grade level, in accordance with existing Department of Education guidelines.
- B. Programs for drug awareness education are to be continued and modified by the professional staff of all schools for all grades. The grade work and patterns of instruction will be detailed. Instruction will be specific for what must be covered.
- C. Substance abuse educational programs for parents/guardians will be offered to the parents/guardians.

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

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

N.J.S.A. 2C:33-15

N.J.S.A. 2C:33-16

N.J.S.A. 2C:33-17

N.J.S.A. 2C:33-19

N.J.S.A. 2C:35-1 *et seq.*

See particularly:

N.J.S.A. 2C:35-7, -10

N.J.S.A. 9:17A-4

N.J.S.A. 18A:25-2

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

Hindering apprehension or prosecution

Possession or consumption of alcoholic beverage in public place or motor vehicle by person under legal age

Alcoholic beverages; bringing or possession on school property by person of legal age; penalty

Offer or service of alcoholic beverage to underage person; disorderly persons; exceptions

Paging devices, possession by students

New Jersey Comprehensive Drug Reform Act of 1987

Consent by minor to medical care or treatment; venereal disease, sexual assault or drug use or dependency; notice and report of treatment; confidentiality

Authority over students

SUBSTANCE ABUSE (continued)**Legal References: (continued)**

- 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 students to authority
- N.J.S.A. 18A:37-2 Causes for suspension or expulsion of students
- 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, -9, -10, -11, -12, -13, -14, -15, -16, -18, -19
- N.J.S.A. 24:21-2 Definitions (New Jersey controlled dangerous substances)
- N.J.S.A. 26:3D-15 through -21 Legislative findings and declarations ... (smoking in educational institutions)
- P.L. 2005, c. 209 Random student drug testing
- N.J.A.C. 6A:8-3.1 Curriculum and instruction
- N.J.A.C. 6A:9-13.2 Substance awareness coordinator
- N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion
- N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development
- See particularly:
- N.J.A.C. 6A:16-1.3, -1.4, -2.2, -2.4, -3.1, -3.2, -4.1 through -4.3, -5.3, -6.1 through -6.5
- N.J.A.C. 6A:32-13.1 et seq. Student 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 21)
- 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. 107-119, 20 U.S.C.A. 6301 et. seq

SUBSTANCE ABUSE (continued)**Legal References: (continued)**

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)

<u>Cross References:</u>	*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	Student 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
	*6154	Homework/makeup work
	*6172	Alternative educational programs
	*6173	Home instruction

*Indicates policy is included in the Critical Policy Reference Manual.

Key Words

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

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