

DRUG FREE SCHOOL ZONE

The Board of Education of the Borough of Rutherford 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 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 et seq.), Statewide Action Plan for Narcotics Enforcement and the Attorney General's Executive Directive 1988-1 and shall be incorporated into the procedures of the school district.

A. 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).

B. 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 higher 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 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 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

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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.

All information concerning requests to undertake any undercover school operation, information supplied by law enforcement authorities to justify or explain the need for and of a proposed undercover school operation, and all other information concerning an ongoing undercover school operation, including the identity of any undercover officer placed in a school, shall be kept strictly confidential by the chief school administrator and school principal. The chief school administrator and principal shall not divulge information concerning any undercover school operation to any person without the prior express approval of the county prosecutor or designee. In the event that the chief school administrator, principal or any other school staff or district board member who may have been informed as to the existence of the undercover school operation subsequently learns of any information which suggests that the true identity of the undercover officer has been revealed, or that any person has questioned the identity or status of the undercover officer as a bona fide member of the school community, or that the integrity of the undercover school operation has been in any other way compromised, such information shall be immediately communicated to the county prosecutor or designee.

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.

C. 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 or a staff member is involved in distributing controlled dangerous substances 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. The chief school administrator or his/her designee shall provide all known information concerning the matter, including the identity of the pupil or staff member involved, but will not disclose the identity of any pupil or staff member who has voluntarily sought treatment or counseling for a substance abuse program provided that the pupil or staff member is not currently involved or implicated in drug distribution activities.

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. 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

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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 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 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.

D. 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 New Jersey v. T.L.O., 469 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 shall immediately notify the chief school administrator who shall immediately, in turn, notify the county prosecutor or his/her designee. 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.

The principal or designee shall provide to the county prosecutor or designee all information concerning the manner in which the substance or paraphernalia was discovered or seized, the identity of all persons who had custody of the substance or paraphernalia following its discovery or seizure and the identity of any pupil or staff member believed to have been in possession of the substance or paraphernalia, unless the pupil or staff member voluntarily and on his/her own initiative turned over the substance or paraphernalia to a school employee, provided there is reason to believe that the pupil or staff member was involved with the substance or paraphernalia for the purpose of personal use, not distribution activities, and further provided that the pupil or staff member agrees to participate in an appropriate treatment or counseling program.

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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. Every effort should be made by the principal or his/her designee to contact the student's parent or guardian prior to the interrogation. The principal or his/her designee and the student's parent or guardian, if available, should be present at the interrogation.

No school staff member shall impede any law enforcement officer engaged in a search, seizure, or arrest whether pursuant to a warrant or otherwise. Any questions concerning the legality of any contemplated or ongoing search, seizure or arrest conducted by a school official or law enforcement officer on school property shall be directed to the county prosecutor or in the case of a search, seizure or arrest undertaken by the Statewide Narcotics Task Force, to the Assistant Attorney General in charge.

E. Interviews and Interrogations

No law enforcement officer shall direct, solicit, encourage, attend or otherwise participate in the questioning of any juvenile by school officials unless such questioning could be lawfully conducted by the law enforcement officer acting on his or her own authority in accordance with the rules and procedures governing law enforcement interrogations and interviews. Every effort should be made by the principal or his/her designee to contact the student's parent or guardian prior to the interrogation. The principal or his/her designee and the student's parent or guardian, if available, should be present at the interrogation. Pursuant to N.J.A.C. 6:3-6.4 and 6:3-6.5, and subject to the provisions of Section H of this Part, all information obtained by school employees concerning the commission of an offense, whether obtained as a result of the questioning of a student or otherwise, shall be referred to the county prosecutor or his/her designee, provided, however, that nothing in this subsection or any other provision of the Attorney General's Executive Directive 1988-1 shall be construed to authorize or require a school employee to divulge information or records subject to the confidentiality requirements of 42 C.F.R. Part 2, or any other applicable regulation, law or rule of evidence concerning confidential and privileged communications.

F. 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.

G. 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

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42 C.F.R. Part II Confidentiality of alcohol and
drug abuse patient records

N.J.S.A. 6:3-6.1 et seq. Enforcement of Drug Free School
Zones

Cross Reference:

Student Use and/or Possession of Illegal Drugs and/or Alcohol, File Code #5530

Adopted: March 9, 1992
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