

## POLICY

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**DRUGS, ALCOHOL AND TOBACCO**  
**Extracurricular Activities and Athletic Programs**

This Honor Code policy is an extension of Board Policy 5131.6 "DRUGS, ALCOHOL AND TOBACCO" which has previously been adopted and approved by the Board, and is incorporated herein by reference. The procedures herein are in addition to those already adopted by that Policy. The primary purpose of this Policy is to ensure a healthy alcohol and drug-free setting for students who participate in extracurricular activities and athletic programs

It shall be a major violation of this policy for any student to possess, use, distribute, and attempt to distribute or be under the influence of alcohol and/or other drugs at any time in or out of school.

It shall be a minor violation of this policy for any student who participates in athletics, band or clubs to possess, use, distribute, and attempt to distribute or be under the influence of tobacco products out of school.

It shall be a major violation of this policy for any student who participates in athletics, band or clubs who commits two minor violations.

The Superintendent or his/her designee shall administer this Policy and approve additional regulations concerning participation in extra-curricular activities hereunder as may be appropriate.

When it comes to the attention of school district officials that a student, who is subject to the provisions of this Policy, has been or may be in violation of this Policy, the Administration will implement this policy and the following procedures.

1. An alleged offense is reported to the Administration (Superintendent, Principal, Assistant Principal) and formalized by the Building Principal. The Athletic Director and Assistant Principal are immediately advised. Within one school day, the coach and/or advisor of any activity in which the student may be involved, is also advised of the alleged offense.
2. The Administration (Building Principal and Assistant Principal), in concert with the coach, advisor, and the Athletic Director or Director of Student Activities, and any other faculty deemed appropriate by the Building Principal, will investigate the allegation. The investigation must be completed within five (5) school days. During this stage, the student and his/her parent(s)/guardian(s) are advised and permitted to submit a statement relating to the allegation(s). As a matter of course, the Superintendent will be advised an investigation is in progress.

3. Upon completion of the investigation, all Affected faculty will confer to discuss the findings. This must be completed within seven (7) school days after the investigation was initiated. The offense will be considered major if there exists a law, regulation or ordinance (i.e., municipal, state or federal), which would have been violated, regardless of the pursuit of prosecution on behalf of the authorities. Examples of a major violation include, but are not limited to: possession, use of alcohol or controlled dangerous substances; theft; assault; battery; possession of weapon; smoking in a public building (such as school); and conduct that would otherwise constitute a violation of other Board Policies, if based upon violations of any applicable law, regulation or ordinance. The above is not an all inclusive list of major offenses.

Minor offenses will be those which violate the integrity of the Honor Code, but would not constitute a crime if reported to and/or handled by the municipal authorities. Examples of minor violations include, but are not limited to: smoking anywhere other than inside a public building in New Jersey; school infractions of a magnitude to warrant more than five (5) discipline points -- this would involve major disturbances, such as a fight, driving a vehicle during the school day without authorization, as well as any action which reflects negatively upon the school and the individual. Again, this is not an all inclusive list of minor offenses.

The Superintendent will be advised of the findings of the investigation.

4. If the Administration determines a violation has taken place, the student(s) and his/her parent(s)/guardian(s) will be notified of the need for a meeting with the Administration. This meeting will take place within five (5) school days after the investigation has concluded. In the case of a minor violation, the penalties will be 10 (ten) school days from the activity. If the student accumulates two (2) minor violations during the school year, this will equate to a major violation. In the case of a major violation, the following penalties apply:
  - **First Major Offense** - Student will be suspended from the extracurricular activity and/or club activities for 45 school days. Suspension will be carried into the next school year, if applicable.
  - **Second/Subsequent Major Offenses** - Student will be suspended from the extracurricular activity and/or club activities from 46 school days to termination as determined by faculty council. Suspension time will be carried into the next school year if applicable.

**Note: This policy is an extension of Drug and Alcohol Policy 5131.6. All of the above outlined consequences for major and minor offenses are in addition to any disciplinary action imposed by the Administration under Board Policy 5131.6 or any other applicable Board Policy.**

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5. In addition to the foregoing, the Administration may also require the student to participate in counseling or other professional interventions in order to aid the student in concert with a probationary period. All actions will be approved by the Superintendent prior to being invoked.
6. The disposition of the case will be summarized in a letter to the student and his/her parent(s)/guardian(s). Where appropriate, a contract will be drawn between the parties specifying the actions taken and the consequences of future violations as well as privileges retained by the students.
7. Appeals of any decisions or determinations made under this Policy may be directed to the Superintendent in accordance with the Student Grievance Procedure. Appeals of the determination at the Superintendent level may be forwarded to the Board of Education under the same procedure.

Dated: May 14, 2001  
Revised: October 26, 2009

Legal References

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. 2A:170-25.9	Definitions
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 <i>et seq.</i>	New Jersey Comprehensive Drug Reform Act of 1987
<u>See particularly:</u>	
N.J.S.A. 2C:35-7, -10, and 10.4	
N.J.S.A. 2C:35-11	Imitation Controlled Dangerous Substance; Distribution, Possession, Manufacture, etc..
N.J.S.A. 2C:36-1 <i>et seq.</i>	Drug Paraphernalia
N.J.S.A. 9:6-1 <i>et seq.</i>	Abuse abandonment, cruelty, and neglect of

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N.J.S.A. 9:17A-4 child; what constitutes  
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:36-19.2 Student locker or other storage facility;  
inspections; notice to 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: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

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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 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  
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,  
1.5, 2.2, 3.1, 4.1, 4.2, 4.3, 6.1 through 6.5,  
7.1 through 7.7, 8.1 through 8.3  
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)

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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. 822 (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)

New Jersey State Interscholastic Athletic Association Handbook, Procedure-Alcoholic Beverages/Illegal Substances at Interscholastic Events

New Jersey State Interscholastic Athletic Association Steroid Testing Policy

### Possible Cross References:

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
5131	Conduct/discipline
5131.5	Vandalism/Violence
5131.6	Drugs Alcohol, Tobacco (Substance Abuse)
5131.7	Weapons and dangerous instruments
5141	Health
5141.3	Health examinations and immunizations
5141.21	Administering medication
5142	Pupil Safety
5145.11	Questioning and Apprehension
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