

APPENDIX 4

**New Jersey Administrative Code 6:29-10.1 et seq.
(Safe and Drug-Free Schools)**

**SUBCHAPTER 10. SAFE AND DRUG FREE
SCHOOLS**

6:29-10.1 Purpose

The purpose of this subchapter is to establish uniform Statewide policies and procedures for cooperating with law enforcement operations and activities on or near school grounds to ensure a safe school environment, and to identify the circumstances under which school officials shall refer violations to the police for handling, as authorized by the Attorney General's Executive Directive 1988-1. Such policies and procedures shall be consistent with and complementary to the State Memorandum of Agreement approved by the Department of Law and Public Safety and the Department of Education.

6:29-10.2 Adoption of policies and procedures

(a) District boards of education shall adopt and implement policies and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to:

1. The unlawful possession, distribution and disposition of the following:

- i. Controlled dangerous substances, including anabolic steroids;
- ii. Drug paraphernalia;
- iii. Alcohol;
- iv. Firearms, as defined in N.J.S.A. 2C:39-1f; and
- v. Other deadly weapons, as defined in N.J.S.A. 2C:39-1r; and

2. The planning and conduct of law enforcement activities and operations occurring on school property, including arrest procedures and undercover school operations.

6:29-10.3 General requirements

(a) District policies and procedures developed pursuant to this section shall:

1. Be developed, implemented, and revised, as necessary, through consultation with the county prosecutor and such other law enforcement officials as may be designated by the county prosecutor;
2. Be reviewed and approved by the county superintendent;
3. Be made available annually to all school staff, pupils, and parents or guardians; and
4. Be consistent with reporting, notification and examination procedures of students suspected of being under the influence of alcohol and other substances in accordance with N.J.A.C. 6:29-6.

(b) District policies and procedures shall include, but not be limited to, the following components:

1. The designation of liaisons to law enforcement agencies and the prescription of their roles and responsibilities by the district chief school administrator;
2. Specific procedures for and responsibilities of staff in summoning appropriate law enforcement authorities onto school property for the purpose of conducting law enforcement investigations, searches, seizures, and arrests;
3. Specific procedures for and responsibilities of staff in cooperating with arrests made by law enforcement authorities on school property;
4. Specific procedures for and responsibilities of staff in initiating or conducting searches and seizures of pupils, their property, and personal effects. All searches and seizures conducted by 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 the "Attorney General's Guidelines Regarding School Searches," issued in 1985;

i. Any question concerning searches conducted by school officials shall be directed to the appropriate county prosecutor.

ii. School officials may request that law enforcement authorities assume responsibility for conducting any search or seizure.

iii. No school staff member shall impede any law enforcement officer engaged in a lawful search, seizure, or arrest whether pursuant to a warrant or otherwise.

iv. School staff shall permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure.

v. Any questions concerning the legality of any contemplated or ongoing search, seizure, or arrest conducted by a 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 Division of Criminal Justice in the Department of Law and Public Safety, to the Assistant Attorney General in charge;

5. The procedures for and responsibilities of staff, with regard to interviews of pupils suspected of possessing, or distributing a controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

6. Procedures for planning, approving, and conducting undercover school operations;

i. The chief school administrator and school principal shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The chief school administrator shall approve such undercover operations without prior notification to the district board of education.

ii. 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;

7. The procedures for and responsibilities of staff concerning the safe and proper handling of any seized controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon, and the prompt delivery of such items to appropriate law enforcement authorities in accordance with the provisions of this subchapter;

8. The procedures for and responsibilities of staff in notifying authorities of any suspected violation of any laws prohibiting the possession, sale or other distribution of any controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

9. Provisions for requesting uniformed police attendance at extracurricular school events;

10. Provisions for notifying parents or guardians as soon as possible whenever a pupil is arrested for violating any laws prohibiting the possession, sale or other distribution of any controlled dangerous substance, drug paraphernalia, or a firearm or other deadly weapon;

11. Provisions for the inservice training of school staff concerning policies and procedures established in this subchapter, and the exchange of information regarding the practices of the education and law enforcement agencies; and

12. An agreement or memorandum of understanding with appropriate law enforcement authorities. Such agreements or memoranda of understanding shall be consistent with the policies established in this subchapter and in the State Memorandum of Agreement. These agreements or memoranda of understanding shall define the reciprocal rights and obligations of pupils, parents or guardians, school staff, and law enforcement officials with respect to the possession, distribution and disposition of controlled dangerous substances, drug paraphernalia, and firearms and other deadly weapons; with respect to the planning and conduct of law enforcement activities and operations, occurring on school property, including arrests and undercover school operations; and with respect to law enforcement's participation in substance abuse prevention programs;

i. Copies of all agreements or memoranda of understanding entered into with law enforcement authorities shall be approved by the district board of education and shall be submitted to and approved by the county prosecutor and county superintendent of schools;

13. Provisions for resolving disputes concerning law enforcement activities occurring on school property; and

14. An annual process for the local chief school administrator and appropriate law enforcement officials to discuss the implementation and need for revising the agreement or memorandum of understanding, and to review the effectiveness of policies and procedures implemented pursuant to the provisions of this subchapter. This annual review shall include input from the county superintendent, community and meeting(s) with the county prosecutor and such other law enforcement officials designated by the county prosecutor.

6:29-10.4 Reporting pupils or staff members to law enforcement authorities

(a) Subject to the provisions of N.J.A.C. 6:29-10.6 below, any teaching staff member having reason to believe that a pupil or staff member has unlawfully possessed or in any way been involved in the distribution of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, on or near school property, shall report the matter as soon as possible to the principal or, in the absence of the principal, to the staff member responsible at the time of the alleged violation. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify as soon as possible the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information.

1. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the pupil or staff member involved. The chief school administrator or designee shall not disclose, however, the identity of any pupil or staff member who has voluntarily sought treatment or counseling for a substance abuse problem provided the pupil or staff member is not currently involved or implicated in drug distribution activities.

i. For the purpose of this section, an admission by a pupil or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the principal or teaching staff member, shall not constitute a voluntary, self-initiated request for counseling and treatment.

(b) Whenever any school employee develops reason to believe that a firearm or other deadly weapon has unlawfully been brought onto school property, or that any student or other person is in unlawful possession of a firearm or other deadly weapon, whether on or off school property, or that any student or other person has committed an offense with or while in possession of a firearm, whether or not such offense was committed on school property or during school operating hours, the matter shall be reported as soon as possible to the principal, or in the absence of the principal, to the staff member responsible at the time of the alleged violation. Either the principal or the responsible staff member shall notify the chief school administrator, who in turn shall notify, as soon as possible, the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information. The chief school administrator or designee shall provide to the county prosecutor or designee all known information concerning the matter, including the identity of the pupil or staff member involved.

6:29-10.5 Handling of substances, firearms and other items

(a) Any school employee who seizes or discovers any substance or item believed to be a controlled dangerous substance, including anabolic steroids, or drug paraphernalia, shall immediately notify and turn over the substance or item to the principal or designee. Either the principal or designee shall then immediately notify the chief school administrator or designee who in turn shall notify the appropriate county prosecutor or other law enforcement official designated by the county prosecutor to receive such information. The school employee, principal or designee, shall safeguard the substance or paraphernalia against further use or destruction and shall secure the substance or paraphernalia until such time as the substance or paraphernalia can be turned over to the county prosecutor or designee.

1. 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. However, the principal or designee shall not disclose the identity of any pupil or staff member who voluntarily and on his or her own initiative turned over the substance or paraphernalia to a school employee, provided that 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.

i. For the purposes of this section, an admission by a pupil or staff member in response to questioning initiated by the principal or teaching staff member, or following the discovery of a controlled dangerous substance, including anabolic steroids, or drug paraphernalia by the principal or teaching staff member shall not constitute a voluntary self-initiated request for counseling and treatment.

(b) Whenever a school employee seizes or comes upon any firearm or dangerous weapon, school officials should in the case of a dangerous weapon other than a firearm, and shall in the case of a firearm, immediately advise the county prosecutor or appropriate law enforcement official, and secure the firearm or weapon pending the response by law enforcement to retrieve and take custody of the firearm or dangerous weapon. School employees having custody of a firearm or dangerous weapon will take reasonable precautions, as per local board of education procedures, to prevent its theft, destruction or unlawful use by any person.

6:29-10.6 Confidentiality of pupil or staff member involvement in substance abuse intervention and treatment programs

(a) All information concerning a pupil's or staff member's involvement in a school intervention or treatment program for substance abuse shall be kept strictly confidential in accordance with applicable Federal regulations (42 C.F.R. Part 2).

(b) Nothing in this subchapter shall be construed in any way to authorize or require the transmittal of any information or records which are in the possession of a substance abuse counseling or treatment program.

(c) The principal or designee shall not disclose to law enforcement officials or to any person other than a member of the local district's substance abuse program that a pupil or staff member has received or is receiving evaluation or treatment services from the local district's substance abuse program; nor shall the principal or designee disclose any

information, including the pupil's or staff member's identity or information about illegal activity, where such information was learned in the course of or as a result of evaluation or treatment services provided by the local district's substance abuse program.

(d) Nothing in the section shall be construed to preclude the disclosure of information about illegal activity which was learned by any school employee outside of the local district's substance abuse program, and any such information about illegal activity shall be reported in accordance with N.J.A.C. 6:3-6.4 and 10.5.