

Important Dates were reviewed by Mr. Williamson as follows:

IMPORTANT
DATES

November 3, 1988 - 7:30 p.m. - Pre-Agenda Meeting
Administration Building

November 8, 1988 - Election Day - SCHOOLS CLOSED

November 10, 1988 - NJEA Convention - SCHOOLS CLOSED

November 11, 1988 - Veterans Day - SCHOOLS CLOSED

November 17, 1988 - 7:55 p.m. - Regular Public Meeting
Administration Building

November 24, 25, 1988 - Thanksgiving Recess - SCHOOLS CLOSED

Mr. Williamson explained that the Board would be going into Closed Session at the end of the business meeting to discuss contract negotiations and there would be no need for the public to remain as no formal action would be taken.

The meeting was opened to the audience. After addressing several questions from the audience, Mr. Williamson asked Mr. Stutts to read the Sunshine Law to go into Closed Session as follows:

AUDIENCE

WHEREAS, C. 231 P.L. 1975, also known as the Sunshine Law, authorizes a public body to meet in executive or private session under certain limited circumstances; and

CLOSED
SESSION
SUNSHINE
LAW

WHEREAS, said law requires the Board to adopt a Resolution at a public meeting before it can meet in such executive or private session:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE BRICK TOWNSHIP SCHOOL DISTRICT: 1. That it does hereby determine that it is necessary to meet in executive session on October 13, 1988, to discuss negotiations; and 2. That the matter discussed will be made public if and when confidentiality is no longer required and action pursuant to said discussion shall take place at a public meeting.

Motion was made by Mrs. DeConde, seconded by Mr. D'Ambola and carried unanimously to go into Closed Session at 9:14 p.m. to discuss negotiations.

MOTION TO
GO INTO
CLOSED
SESSION

During the Closed Session, a consensus was taken for approval of the contract with the Brick Township Education Association and all were in agreement that it should be placed on the Agenda.

PLACE CON-
TRACT ON
AGENDA

Motion was made by Mrs. DeConde, seconded by Mr. D'Ambola and carried unanimously to adjourn this meeting at 9:39 p.m.

ADJOURN

Respectfully submitted,

Kathryn Amalfa
Kathryn Amalfa

The Agreement Between Education and Law Enforcement Officials is printed on the following pages.

A Model for an Agreement Between Education and Law Enforcement Officials

Law Enforcement Activities Occurring on School Grounds and the Reporting of Suspected Drug Offenses by School Officials to Law Enforcement

Article 1 Liaisons

We, J.W. Holzapfel and Brick Township
[county prosecutor] [each law enforcement
Police Department] will each designate a
agency having patrol jurisdiction] person or persons to serve as a liaison to appropriate local and county school officials.

Mr. Joseph Zach

[the county superintendent]

Dr. Louis Aragona will
[the local superintendent of each school] similarly and designate a person to serve as a liaison to the county prosecutor's office and to the respective local law enforcement agency. The roles and functions of these liaisons are to:

- Facilitate communication and cooperation;
- Identify issues or problems that arise in the implementation of this Executive Directive and facilitate the resolution of any such problems;
- Act as the primary contact person between the schools and the affected law enforcement agencies;
- Act together in developing joint training and other cooperative efforts, including information exchanges and joint speaking engagements.
- Coordinate intervention and prevention efforts.

Article 2 Law Enforcement Operations

A. Definitions.

As used in this Agreement:

Controlled Dangerous Substance shall mean a drug, substance or immediate precursor as defined at N.J.S.A. 2C:35-2, and shall include controlled substance analogs.

Undercover School Operation shall mean a planned operation undertaken by a law enforcement agency wherein a law enforcement officer(s) is placed in a school community and poses as a member of the school community for the purpose of identifying and eventually apprehending persons engaged in the illegal distribution of controlled dangerous substances.

Planned Narcotics Surveillance shall mean a planned operation wherein a law enforcement officer(s) enters onto school property or buildings in plainclothes during operating school hours for the purpose of observing or participating in activities associated with the use, possession or distribution of any controlled dangerous substance. This term shall not include observations made by a law enforcement officer, whether in uniform or in plainclothes, from any place or property not owned by a school or school board.

Routine Patrol shall mean activities undertaken by a law enforcement officer, whether in uniform or in plainclothes and whether on foot or in a marked or unmarked vehicle, to patrol areas within a drug-free school zone (see *N.J.S.A. 2C:35-7*) for the purposes of observing or deterring any criminal violation or civil disturbance.

Planned Arrest shall mean an arrest or taking into custody based upon probable cause which was known to a law enforcement officer sufficiently in advance of the time of the actual arrest, whether as a result of an undercover school operation, planned narcotics surveillance, or otherwise, so that there was sufficient opportunity for the arresting officer or any other law enforcement officer to apply for and obtain an arrest warrant, even though an arrest warrant may not have been sought or issued. The term shall also include arrests made pursuant to a "clean sweep" (*i.e., e.g. multiple arrest*) operation as prescribed by Guideline 5.4 of the Attorney General's Statewide Narcotics Action Plan (SNAP).

Spontaneous Arrest, in distinction to a planned arrest, shall mean an arrest or taking into custody based upon probable cause to believe that an offense is being committed in the arresting officer's presence under circumstances where the officer could not have foreseen with certainty that the specific offense would occur and thus where the arresting officer had no reasonable opportunity to apply for an arrest warrant. The term shall also include any arrest or taking into custody in response to a request by a school official pursuant to subsection G(1) of this Article.

Operating School Hours shall include the time in which a school is in session or when students are engaged in school-related activities under the supervision of professional school staff.

B. Undercover School Operations

1. Requests to Conduct Operations

a. All requests by school officials to undertake an undercover school operation in a particular school or school district will be directed to the local chief of police or, where appropriate, to the Superintendent of State Police. However, it is understood that the ultimate approval of all undercover school operations can only be granted by J. W.

Holzapfel or, where appropriate the Attorney General or his designee.
(the county prosecutor)

b. A request to undertake an undercover school operation will not be made public by either the requesting school official or the law enforcement agency receiving the request.

c. The county prosecutor or the Attorney General or his designee will make a good faith effort to comply with all reasonable requests to initiate an undercover operation, considering the scope and nature of the substance abuse problem in the school or district and the availability of law enforcement resources.

d. Where the county prosecutor or the Statewide Narcotics Task Force is for any reason unable to comply with a request to undertake an undercover school operation, the county prosecutor or the Attorney General or his designee will promptly notify the requesting school officials.

e. The decision to decline a request to undertake an undercover school operation shall not be made public by either the requesting school official(s) or the law enforcement agency receiving the request.

f. Nothing in this agreement shall be construed to preclude law enforcement officials from initiating a request to conduct an undercover school operation pursuant to Section 2 of this Article.

2. Consultation and Cooperation

a. As a practical matter, a successful undercover school operation cannot take place without the assent and continuing cooperation of the building principal and local school superintendent, and, except as may be expressly provided herein, none shall be attempted without such assent and continuing cooperation. Accordingly, prior to the placement of any undercover officer in a school, the school building principal and the local superintendent will be consulted unless there are compelling reasons not to consult with either of these officials. Where the Attorney General determines that compelling reasons exist, an alternative school official or officials will be designated who will be consulted in lieu of the building principal or local superintendent prior to the placement of an undercover officer in a school and throughout the course of the operation.

b. In any case where the undercover school operation has not been requested by an appropriate school official, the law enforcement agency proposing the operation will advise the building principal and local superintendent of the nature of the proposed operation and will to the extent possible explain the reasons why the operation is necessary and appropriate. This explanation should include a description of the extent and nature of the suspected drug trafficking activities occurring within the school environment which would justify the operation. It is understood and agreed that law enforcement officials will not be required or permitted to divulge any information received in confidence, whether from an informant or otherwise, or which would violate the laws or court rules governing the disclosure of juvenile offender information, grand jury information or information derived from electronic surveillance.

c. It is understood and agreed that undercover school operations should not be necessarily limited to schools falling within any particular region or demographic setting i.e., e.g. rural, suburban, urban center, etc. or any particular district factoring group (i.e., a composite measure of socioeconomic status within a geographic area). Rather, subject to the availability of resources, undercover school operations should be proposed and conducted where the designated law enforcement and school officials determine that such operations would be beneficial.

d. Information provided by law enforcement to the building principal or local superintendent will be kept strictly confidential and will not be divulged by the building principal or local superintendent to any other person without the expressed approval of the county prosecutor or, where appropriate, the Attorney General or his designee.

e. No law enforcement officer will disclose the fact that an undercover school operation has been proposed, requested or is being or has been considered with respect to any particular school or school district.

f. The building principal and the local superintendent will be afforded the opportunity to offer specific concerns regarding the conduct of any proposed undercover school operation, and will also be given the opportunity to make general or specific recommendations as to how to minimize the impact of the proposed operation on the educational environment, existing substance abuse counseling

programs and the relationship between school authorities, the law enforcement community and the student population. In developing an undercover school operation plan, as required by subsection B(2)(h), *infra*, and throughout the course of the operation, the law enforcement agency conducting the operation will give due consideration to the concerns and recommendations offered by the building principal and local superintendent. Furthermore, these school officials will be advised whenever the law enforcement agency conducting the undercover school operation is for any reason unable or unwilling to follow any proposed recommendation. However, it is understood that the law enforcement agency responsible for conducting the undercover operation shall maintain control of the logistics of any operation once begun.

g. The law enforcement agency conducting the undercover school operation will provide to the building principal and local superintendent a detailed briefing concerning the logistical and recordkeeping requirements associated with successfully placing an officer undercover. The building principal and local superintendent may contact the designated liaison who will be available on a 24-hour basis to respond to any problems or inquiries.

3. Security; Limited Disclosure Agreements; Early Termination

a. The building principal and local superintendent will be informed as to the identity of any person assigned to an undercover investigation unless there are compelling reasons, as shall be determined by the Attorney General, not to inform either of these officials. The building principal and local superintendent, and any other school officials or employees who may be informed as to the identity of the undercover officer, will safeguard the identity of that officer and will not disclose the existence of a contemplated or ongoing undercover school operation to any person.

b. In the event that the building principal, local superintendent or any other school official or employee who may have been informed as to the existence of the 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 operation has been in any other way compromised, such information will be *immediately* communicated to

law enforcement agency conducting the operation or to the county prosecutor.

c. The school principal and local superintendent will be advised whenever an undercover school operation has been suspended or terminated or whenever the undercover officer is permanently removed from the school environment.

4. Use of Undercover Officers As School Employees

It is understood that no undercover school operation may be conducted which entails the placement of an undercover officer as a certified member of the school community without prior written approval of the Attorney General with notice given to the Commissioner of Education, or in the case of non-public schools, the chief school officer. It is understood that the Attorney General will base his approval upon a finding that 1) other law enforcement methods would not be effective, and 2) there is a reasonable articulable suspicion that adult school employee(s) or other non-student member(s) of the school community are engaged in drug trafficking activities. In that event, and upon such findings, the underlying purpose of the operation will not be to identify or to apprehend student offenders, but rather to identify and to apprehend suspected adult or non-student offenders. Furthermore, the law enforcement agency involved will develop in consultation with the building principal and local superintendent those steps which will be taken to minimize the undercover officer's contact with and impact upon the student population. It is understood that no undercover officer will be permitted to teach a formal class of instruction without the approval of the Attorney General and local superintendent, and that in no event will an undercover officer posing as a non-student member of the school community be permitted to establish or to simulate any confidential, trust or counsellor relationship with any student.

5. Limitations on Undercover Officer Conduct

a. *Entrapment.* No undercover officer will encourage or counsel any student to purchase or use alcohol or any controlled dangerous substance.

b. *Confidentiality of Treatment Records.* Federal regulations and State policies concerning the confidentiality of treatment and substance abuse counselling program records and information will be strictly safeguarded. No law enforcement activi-

ty will be permitted in any way to interfere with, intrude upon or in any way compromise the integrity of any substance abuse counselling or treatment program.

c. *Treatment.* No undercover officer will discourage any student from seeking drug or alcohol abuse treatment or counselling, or from reporting his or her own alcohol or substance abuse problem or dependency.

d. *Non-Participation in Treatment.* No undercover officer will in any way participate in or attend any drug or alcohol abuse treatment or counselling program. In the event that an undercover officer is referred to or recommended to participate in a counselling or treatment program by a teacher or school staff member, the undercover officer will report the circumstances of that referral or recommendation to his superiors and will decline such referral or recommendation.

e. *Preservation of Teacher Trust Relationships.* No undercover officer will engage in any activity or conversation which would require any teacher or school official to violate or compromise a trust relationship with any student.

f. *Use and Distribution Prohibition.* No undercover officer will ingest or inhale (other than passive inhalation) any controlled dangerous substance; nor will any undercover officer be permitted to distribute or dispense any controlled dangerous substance without the expressed approval of the county prosecutor or, where appropriate, the Director of Criminal Justice.

g. *Disciplinary Infractions.* It is understood that an undercover officer cannot be expected to pose as a model student. Nonetheless, no undercover officer will engage in any activities which unduly disrupt the educational environment, or which amount to disciplinary infractions of such a nature and magnitude so as to prevent other students from enjoying the full benefits of that educational environment. An undercover officer will at all times respect the rights of teachers and other students.

h. *Romantic Involvement.* No undercover officer will encourage or participate in any romantic relationship with any student during the course of an undercover operation.

i. *Firearms Policy.* It is understood that undercover work concerning drug trafficking activities is

inherently dangerous. Accordingly, it is understood and agreed that law enforcement will take all measures which are necessary and appropriate to protect the undercover officer, as well as to protect all students with whom the undercover officer may come into contact, and to avoid potentially violent confrontations wherever possible. In general, an undercover officer will not carry a firearm or otherwise bring onto or maintain a firearm on school property. An exemption from the general rule prohibiting the carrying or bringing onto school property of a firearm will only be granted with the expressed approval of the officer's immediate superior, unless otherwise specified in the plan approval process by good cause shown. Any firearm brought onto school property will ordinarily be contained in a closed and fastened case locked in the trunk of an automobile operated by the undercover officer. It is assumed, moreover, that any exemption from the general weapons carrying policy agreed to herein will only be rarely sought, and approval to carry a firearm onto school property will only be granted where alternative means of providing adequate security or support are not feasible.

6. Post-Operation Report

It is understood that following the termination of every undercover school operation, the county prosecutor or the Assistant Attorney General in charge of the Statewide Narcotics Task Force will prepare a post-operation report which will be transmitted to the Attorney General. The report will discuss the results and impact of the operation and any logistical or policy problems which were encountered. The report will also include recommendations for improved procedures in dealing with potentially recurring problems. The county prosecutor or the Assistant Attorney General in charge of the Statewide Narcotics Task Force will solicit the comments and recommendations of the building principal and local superintendent, and these comments and recommendations will be included in the post-operation report. The contents of a post-operation report will be publicly disclosed, and a copy will be provided to the building principal, local and county superintendents and the Commissioner of Education.

7. Post-Operation Seminars

To maximize the deterrent impact of an undercover school operation, the law enforcement agency conducting the operation will make available of-

ficers to participate in seminars which, upon the invitation of appropriate school officials, may be held in the school in which the operation was conducted. The purpose of these seminars will be to discuss with teachers, parents and/or students the nature of the completed operation, the steps taken to minimize the intrusion into the educational environment, and to discuss the substance abuse problem from a law enforcement perspective. It is our agreed upon policy to promote the frank and open discussion of issues concerning the need for such operations, and to solicit opinions and recommendations from teachers, parents, students and members of the community-at-large.

C. Planned Narcotics Surveillance

1. **Notice and Consultation.** In the absence of compelling or exigent circumstances, as shall be determined by the county prosecutor or the Attorney General or his designee, no planned narcotics surveillance operation as defined in this Agreement will be conducted during operating school hours without first consulting with the building principal or local superintendent of the school involved.

2. **Limitations; Targeted Subjects.** Nothing in this Agreement shall be construed to prevent any law enforcement officer from making any observations from any place or property not owned by a school or school board, except that a planned narcotics surveillance or any other form of observation should, wherever possible, be limited to observing 1) those specific individuals or groups of individuals who are believed to be involved in drug trafficking activities, or 2) those specific areas or places on school property where drug use or trafficking activity is believed to occur frequently.

D. Routine Patrols

1. **Aggressive Enforcement Plans.** The Brick Township P.D. will maintain at appropriate (Police Department) times a visible police presence within all drug-free school zones, and will file and periodically update a confidential report with the J.W. Holzappel detailing (Prosecutor)

how these zones are to be patrolled.

2. **Notice to School Officials.** Where a patrol plan requires an officer periodically to enter onto school property or buildings, the Brick Township P.D. (Police Department)

I advise the appropriate school building principal and local superintendent. It is understood and agreed that any portion of a patrol plan disclosed to school officials in accordance with this subsection will be kept strictly confidential.

3. **On-Site Reporting.** Except when responding to an emergency, no on-duty police officer will enter any school building without first complying with the procedures established by the school for the reporting of visitors. It shall be the responsibility of Brick Township Police Department

(each police department or agency with patrol

responsibilities) to make certain that all officers are

familiar and comply with the reporting policies established by each school within the law enforcement agency's jurisdiction.

E. Police Presence at Extra-curricular Events

1. It is our agreed upon policy that Brick

Township Police Department

(police department with patrol responsibilities), working

in conjunction with the appropriate school officials, should, whenever possible, provide for the presence of uniformed police officer(s) at all major school sporting events. In the absence of compelling reasons as may be determined by James W.

(the county

Holzappel or Anthony Shupin

prosecutor or chief executive officer of the law enforcement

agency having patrol jurisdiction), it is under-

stood and agreed that uniformed police officers will not be assigned to school functions, and especially those functions occurring within school buildings, except with the approval of the building principal or local superintendent.

2. It is understood that the purpose for requesting uniformed police presence on school property is not limited merely to the goal of deterring illegal drug use and trafficking activities; rather, police assistance is often requested for the purpose of maintaining order, crowd and traffic control, and other bona fide public safety reasons. All requests by school officials for law enforcement agencies to provide for a uniformed presence at any school event should be directed to _____ or

(local police liaison)

Anthony Shupin

(local chief executive officer of the law enforcement

department or agency having patrol jurisdiction)

F. Referrals and Evidence Pick-up

1. **Procedures Concerning Required Referrals.** Subject to the provisions of subsection 2 of this section, school officials will promptly notify Anthony Shupin whenever any (designated law enforcement officials)

school employee develops reason to believe a violation of the Comprehensive Drug Reform Act has occurred, except that school officials are not required to refer a matter to law enforcement where a student has voluntarily and on his or her own initiative sought treatment or counseling for a substance abuse problem, provided the student was not involved in drug distribution activities and further provided the student agrees to participate in an appropriate treatment or counseling program. For the purposes of this Agreement, an admission by a student of a violation of the Comprehensive Drug Reform Act which is in response to questioning initiated by a law enforcement officer or school employee shall not constitute a voluntary, self-initiated request for counselling and treatment.

2. **Nonapplicability to Treatment Program Records and Information.** Nothing in this Agreement shall be construed in any way to authorize or require a referral or transmittal of any information or records in the possession of a substance abuse counselling or treatment program, and such information or records will be strictly safeguarded in accordance with applicable federal regulations and state policies.

3. **Securing Physical Evidence Pending Referral and Pick-Up.** Wherever a school employee seizes or comes upon any substance believed to be a controlled dangerous substance, school officials will immediately advise Brick Township (the local law enforcement

Police Department

agency having patrol jurisdiction)

and will secure the substance pending the response by Brick Township P.D. to retrieve and take (law enforcement agency)

custody of the substance or paraphernalia. School employees having custody of the substance will take reasonable precautions as per local board of education procedures to prevent its theft, destruction or use by any person. In accordance with the requirements of law, see N.J.S.A. 2C:35-10c., it is understood that under no circumstances may any person destroy or otherwise dispose of any con-

trolled dangerous substance or drug paraphernalia except by turning over such substance to the responding law enforcement officer.

4. Prompt Response to Referrals and Request for Pick-Up; Preserving Chain of Custody.
Brick Township P.D. will dispatch an officer
(The law enforcement agency)

as promptly as possible to take custody and secure the controlled dangerous substance or drug paraphernalia. School officials will provide to the responding law enforcement officer information necessary to establish the chain of custody and the circumstances of the seizure, including the identity of any person from whom the substance or item was obtained, except that school officials need not provide information concerning the identity of a student from whom the controlled dangerous substance or item was obtained where the substance or item was turned over by a student to a substance abuse counselor in the course of or as a result of diagnosis or treatment, or where: 1) the student voluntarily and on his or her own initiative turned over the substance to a school employee; and 2) there is no reason to believe that the student was involved in distribution activities; and 3) the student agrees to participate in an appropriate treatment or counseling program. Nothing in this section shall be construed in any way to authorize or require a referral or transmittal of any information or records in the possession of a substance abuse counseling or treatment program, and such information or records will be strictly safeguarded in accordance with applicable federal regulations and state policies.

G. Arrest Protocols

For the purpose of this Agreement, the term "arrest" shall include the taking into custody of a juvenile for an offense which if committed by an adult would constitute a crime or disorderly persons offense.

1. Requests by School Officials

All requests by any school official to summon a law enforcement officer for the purpose of making an arrest on school property, whether for a suspected violation of the Comprehensive Drug Reform Act or for a suspected violation of any other criminal statute, should be directed to _____

Anthony Shupin or Brick Township P.D.
(the designated police liaison or to the chief

of the department having patrol jurisdiction)

2. It shall be the general policy of Brick
(law
Township P.D. that when effecting any ar-
enforcement agency)

rest on school grounds, agency) minimize the disruption of the school environment to the greatest extent possible consistent with requirements of public safety. Accordingly, substantial weight will be given by the law enforcement officer assigned to make the arrest to the specific recommendations of the building principal or local superintendent as to the place and manner for effecting the arrest.

a. So as to minimize any disruption of the educational environment, every reasonable effort should be made to effect the arrest in the building principal's office, or in some other designated area away from the general student population.

b. Where feasible, the responding law enforcement officer(s) should be in plainclothes, use unmarked police vehicle(s) and refrain from using siren or flashing overhead lights. In addition, the number of responding officers should be kept to a minimum consistent with the requirements of public safety.

2. Other Spontaneous Arrests

a. In those cases in which a law enforcement agency responds during operating school hours to a suspected offense reported by someone other than the building principal or local superintendent, or where a law enforcement officer observes the occurrence of an offense on school property during operating school hours which would justify a warrantless arrest, or where a person subject to arrest retreats onto school property during operating school hours, the arresting law enforcement officer will notify the building principal as soon as it is practical to do so. Where the arrest involves a student enrolled in the school, the building principal will wherever feasible be notified before the student is taken from school grounds.

b. When effecting any spontaneous arrest on school property during operating school hours, every reasonable precaution will be taken to minimize the disruption of the school environment to the greatest extent possible consistent with the requirements of public safety.

Planned Arrests

a. Whenever a planned arrest is to occur on school property, the building principal or local superintendent will be advised and consulted before the arrest occurs.

H. Notice of Arrests

1. **Arrests of Students on School Grounds.** Whenever a student has been arrested on school property, the law enforcement officer or agency involved will, as soon as practicable, notify the building principal. Wherever possible, such notice will be given before the student has been taken off of school property. Where the student is a juvenile, all information concerning the circumstances of the arrest will be provided to the building principal on a confidential basis and in accordance with the provisions of N.J.S.A. 2A:4A-60c.

2. **Arrests of Non-Students on School Grounds.** Where a person other than an enrolled student is arrested on school property, the building principal will be advised as to the circumstances of the offense and the identity of the offender. It is understood that where the person arrested is a juvenile, it is understood that the law enforcement agency or officer involved is not permitted to divulge any information which would violate the laws governing the disclosure of juvenile information.

3. **Arrests of Students off School Grounds During Operating School Hours.** Where a student is arrested off of school property during operating school hours, or under circumstances which would lead the arresting officer to believe that a school official was responsible for the care and custody of the student at the time of the arrest, or where the arresting officer reasonably believes that the student was in transit between school and his home at the time of arrest, the arresting officer will as soon as is practicable notify the building principal of the school in which the student is enrolled. All information concerning the basis and circumstances of the arrest will be provided to the building principal on a confidential basis and in accordance with the provisions of N.J.S.A. 2A:4A-60c.

I. School Searches

No law enforcement officer will direct, solicit, encourage or otherwise actively participate in any specific search conducted by a school official unless such search 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 searches. Nothing in this Agreement shall be construed to preclude a law enforcement officer from taking custody of any item or substance seized by any school employee.

2. School officials will immediately notify law enforcement officers whenever a school employee comes into possession, whether as a result of a search or otherwise, of any substance or item believed to be a controlled dangerous substance or drug paraphernalia.

3. School officials will permit law enforcement officers upon their arrival to the scene to assume responsibility for conducting any search, in which event the standards governing searches conducted by law enforcement officers will prospectively apply.

4. Any questions by school officials concerning the legality of any contemplated or ongoing arrest, search or seizure conducted by a law enforcement officer on school property should be directed to the James W. Holzapfel, or in the case of an ar-
(appropriate county prosecutor).

rest, search or seizure undertaken by a member of the Statewide Narcotics Task Force, to the Assistant Attorney General in charge.

5. Nothing in this Agreement shall be construed in any way to require any school official to actively participate in any search or seizure conducted or supervised by a law enforcement officer; nor shall this agreement be construed to direct, solicit or encourage any school official to conduct any search or seizure on behalf of law enforcement, or for the sole purpose of ultimately turning evidence of a crime over to a law enforcement agency. Rather, it is understood that any search or seizure conducted by school officials shall be based on the school officials' independent authority to conduct reasonable investigations as provided in *New Jersey v. T.L.O.*

6. Any question by a school official concerning the law governing searches conducted by school officials should be addressed to James W.
(the county

Holzapfel
prosecutor or his designee)

J. Interrogations and Interviews

1. No law enforcement officer will 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. 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, will be referred to the appropriate law enforcement agency, provided however, that nothing in this Agreement 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.

K. "Tiplines" and Student Watch Groups

1. "Tiplines" established for the reporting of suspicion activity occurring on school property or buses or within Drug-Free School zones will be staffed by law enforcement officers, and it is understood that the role of school officials with respect to the operation of such tiplines is limited to publicizing to members of the school community the existence and purpose of these tiplines.

2. It is understood that the Narcotics Crime Prevention and Public Awareness Working Group, which was created by the Attorney General, has been directed to prepare in conjunction with the School Zone Narcotics Enforcement Working Group a model student watch program. Ocean County Prosecutor and Brick Police

(The county prosecutor and local law and enforcement

agency) will assist school officials in developing and enforcement agency) and implementing such watch groups or similar student-oriented crime prevention and awareness programs.

Article 3 Joint Training

A. So as to foster and institutionalize the spirit of communication and cooperation underlying this Agreement, The Brick Township Bd of Ed. and Brick Township Police Department

(appropriate school and law enforcement personnel agree to participate in a joint training program which will be developed in conjunction with the Division of Criminal Justice, the Department of Education and county prosecutor. It is understood that this program will include a discussion of:

1. The provisions of this Agreement;
2. Attorney General Executive Directive 1988-1;
3. The complimentary guidelines issued by the Commissioner of Education;
4. The Comprehensive Drug Reform Act, focusing especially on those provisions affecting juveniles or which are designed to protect children and to displace drug trafficking activities from areas adjacent to schools;
5. The Attorney General's Statewide Narcotics Action Plan, and
6. The United States Supreme Court decision in *New Jersey v. T.L.O.* and the Attorney General's School Search Guidelines.
7. The federal guidelines on confidentiality for counseling and treatment.

Article 4 Revisions and Periodic Conferences

It is understood that J.W. Holzapfel, working *(county prosecutor)* in conjunction with the Joseph Zach *(county superintendent)* will

not less than once each calendar year organize and conduct a meeting of representatives from the law enforcement and educational communities to discuss the implementation of and compliance with the provisions of Attorney General Executive Directive 1988-89 throughout the county, to discuss any other matters of mutual concern, and to recommend revisions to the Attorney General Executive Directive and to this Agreement. It is understood that every chief of police, school building principal and local superintendent will be invited to attend, along with any other persons or organization representatives who could contribute to or benefit from the proceedings. Following each conference, Ocean County Prosecutor will thereafter *(each county prosecutor)*

issue a report to the Attorney General as to the

278

ults of the meeting, which will include a discussion of any general or specific recommendations concerning the need for revisions to the Attorney General Executive Directive and to this Agreement.

Article 5 Dispute Resolution Procedures

It is understood and agreed that any dispute or objection as to any proposed or ongoing law enforcement operation or activity on school property will be directed by the appropriate school official to the chief executive officer of the law enforcement agency involved. Where the chief executive officer of the agency is for any reason unable to satisfactorily resolve the dispute or objection, the matter will be referred to Ocean Cty. Prosecutor who is hereby
(the county prosecutor)

authorized to work in conjunction with _____

Joseph Zach and, where appropriate, the Division of Criminal Justice, to take appropriate steps to resolve the matter. Any dispute which cannot be resolved at the county level shall be resolved by the Attorney General whose decision will be binding.

Article 6 Maintenance of the Agreement

This Agreement shall remain in full force and effect until such time as it may be modified. Modification of this agreement will be effected only with the mutual agreement of the

Brick Township school district, the Ocean County Superintendent of Schools, the Brick Township

Police Department and the Ocean County Prosecutor.

Modifications required by a change in state or federal law, rules or regulations or applicable guidelines or executive directives shall be made on the effective date of such revisions of law, regulations, guidelines or directives. All parties to this agreement will notify the other parties immediately regarding any such legal or regulatory changes.

The parties to this agreement recognize the value of cooperation and communication with respect to the drug problem as it relates to students and school grounds, and believe that entering into this agreement will help them to be more effective in dealing with that problem and in making certain that schools are safe havens for law abiding children, and not convenient marketplaces or resorts for drug dealers and users.

As an expression of our mutual concern and commitment to students, and to the level of cooperation and understanding described in this agreement, the undersigned parties do hereby affirm and agree to abide by the standards, procedures, principles and policies set forth in this document.

On this 13th day of October,
Nineteen Hundred and Eighty-eight.

Paula Cragna
School District Superintendent

Richard L. Williamson
President, District Board of
Education

County Superintendent of Schools

Approved by:

County Superintendent of Schools

Anthony J. Dupen
Chief

Police Department

County Prosecutor

October 18, 1988
Brick, New Jersey

The Brick Township Board of Education held a special meeting on Tuesday, October 18, 1988 at 7:00 p.m. in the Administration Building, 101 Hendrickson Avenue, for the purpose of discussing negotiations.

Present were: Mrs. DeConde, Mr. Cevasco, Mr. Readell, Mr. Stites, Mr. D'Ambola, Mrs. Benton and Mr. Williamson.

Also present: Dr. Aragona, Mr. Stutts and Mr. Sendzik.

SUNSHINE
LAW

Mr. Stutts announced that the New Jersey Open Public Meetings Law was enacted to insure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interests is discussed or acted upon.

In accordance with the provisions of this Act, the Brick Township Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted on October 14, 1988 as follows: Board Office Bulletin Board, Asbury Park Press, Ocean County Times-Observer, Municipal Clerk and Brick Town News.

Mr. Williamson called the meeting to order at 7:00 p.m.

MOTION TO
APPROVE
ITEM (a)

Motion was made by Mr. D'Ambola, seconded by Mr. Stites and carried by the following roll call vote to approve Item (a) under Personnel-Teaching as follows: Mrs. DeConde, yes; Mr. Cevasco, yes; Mr. Readell, yes; Mr. Stites, yes; Mr. D'Ambola, yes and Mr. Williamson, abstain.

ADOPT
MEMO OF
AGREEMENT
& SALARY
GUIDES

Item (a) Motion that the Board of Education adopt the Memorandum of Agreement and Salary Guides between the Board of Education and Brick Township Education Association for the school years 1988-1989, 1989-1990, and 1990-1991.

B.T.E.A.

Motion was made by Mrs. DeConde, seconded by Mr. Stites with all in favor to adjourn this meeting at 7:03 p.m.

ADJOURN

Respectfully submitted,


Robert K. Stutts

November 3, 1988
Brick, New Jersey

The Brick Township Board of Education held their Pre-Agenda Meeting beginning at 7:30 p.m. on Thursday, November 3, 1988 in the Administration Building, 101 Hendrickson Avenue, Brick, New Jersey.

Present were: Mrs. DeConde, Mr. Cevasco, Mr. Readell, Mr. Stites, Mrs. Benton and Mr. Williamson.

Also present: Dr. Aragona, Mr. Wolf, Mr. Stutts and Mr. Sendzik.

Mr. Stutts announced that the New Jersey Open Public Meetings Law was enacted to insure the right of the public to have advance notice of and to attend the meetings of public bodies at which any business affecting their interests is discussed or acted upon.

SUNSHINE LAW

In accordance with the provisions of this Act, the Brick Township Board of Education has caused notice of this meeting to be published by having the date, time and place thereof posted on October 28, 1988 as follows: Board Office Bulletin Board, Asbury Park Press, Ocean County Times-Observer, Municipal Clerk and Brick Town News.

Mr. Robert Bachstadt and Mr. George Huss, of Samuel Klein & Company, school auditors, were present to give the annual audit report. Mr. Bachstadt was asked to present the Audit Report For the Fiscal Year Ended June 30, 1988 to the Board Members. Mr. Bachstadt mentioned that operating costs had risen seven percent over last year and revenues received had decreased by \$360,000., mostly due to loss in State Aid. After the presentation, Board Members had some questions which were addressed by Mr. Bachstadt and Mr. Stutts.

AUDIT REPORT
PRESENTED BY
BOB BACHSTADT
FY ENDED 6/30/88

Motion was made by Mrs. Deconde, seconded by Mr. Stites and carried unanimously by roll call vote to approve the audit report, Item (g) under Finance and Business, as follows:

MOTION TO APPROVE
AUDIT REPORT

Item (g) Motion that the Board of Education approve the Audit Report for the Board of Education for the Fiscal Year Ended June 30, 1988 as submitted.

ITEM (G) AUDIT
REPORT APPROVED

Under Curriculum & Instruction, Dr. Aragona reviewed Item (a) regarding adopting the Adult Basic Skills Curriculum Guide and the Curriculum for Adults in Evening Schools for Foreign Born Residents.

C & I

Motion was made by Mr. Stites, seconded by Mrs. Benton and carried unanimously by roll call vote to approve Item (b) under Curriculum and Instruction as follows:

ITEM (B) APPROVE
PROJECT HIGH TECH
#M-0530-89-2
CONTRACT #8900
3011 - \$12,029.

Item (b) Motion that the Board of Education approve acceptance of a 94-142 Mini Support Grant - Project High-Tech - Project Number M-0530-89-2 Contract Number 89003011 in the amount of \$12,029.00 for Fiscal Year 1989. Contract Budget/Expenditure Report printed on reverse of this page.

CONTRACT BUDGET
PRINTED ON BACK
OF THIS PAGE

Mr. Stutts explained payment of vouchers, cancelled checks and intra-budget transfers in items (a through d) under Finance and Business. Dr. Aragona reviewed items (e, f and h) regarding recording and awarding of bids and approving carry over of Flow Through Funds. Item (g) had been approved at the conclusion of the Audit Report.

FINANCE AND
BUSINESS ITEMS
DISCUSSED

(check)

1

[illegible]

Date _____