

Book	Policy Manual
Section	200 Pupils
Title	Controlled Substances/Paraphernalia
Code	227
Status	Active
Adopted	February 2, 2022

## **Purpose**

The Joint Operating Committee recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the whole school community. As an educational institution, the school shall strive to prevent abuse of controlled substances.

## **Definitions**

For purposes of this policy, **controlled substances** shall mean all:[\[1\]](#)[\[2\]](#)

1. Controlled substances prohibited by federal and state law.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Substances that when ingested cause a physiological effect that is similar to the effect of a controlled substance as defined by state or federal law.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Joint Operating Committee policy.[\[3\]](#)[\[4\]](#)

For purposes of this policy, **under the influence** shall include any consumption or ingestion of controlled substances by a student.

For purposes of this policy, **look-alike drugs** shall include any pill, capsule, tablet, powder, plant matter or other item or substance that is designed or intended to resemble a controlled substance prohibited by this policy, or is used in a manner likely to induce others to believe the material is a controlled substance.

## **Authority**

The Joint Operating Committee prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and school-sponsored activities.[\[5\]](#)[\[6\]](#)

The Joint Operating Committee may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational or extracurricular programs resulting from violations of this policy.

In the case of a student with a disability, including a student for whom an evaluation is pending, the school shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.[7][8][9][10][11][12]

### Off-Campus Activities

This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:[13]

1. The conduct occurs during the time the student is traveling to and from school or a school-sponsored activity, whether or not via school furnished transportation.
2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities.[14]
3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.
4. The conduct has a direct nexus to attendance at school or a school-sponsored activity, for example, a transaction conducted outside of school pursuant to an agreement made in school, that would violate the Code of Student Conduct if conducted in school.
5. The conduct involves the theft or vandalism of school property.
6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.

### Delegation of Responsibility

The Administrative Director or designee shall develop administrative regulations to identify and control substance abuse in the school which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.[15][16][17]
2. Disseminate to students, parents/guardians and staff the Joint Operating Committee policy and administrative regulations governing student use of controlled substances.
3. Provide education concerning the dangers of abusing controlled substances.
4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.

### Guidelines

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[13][18]

A student's home school policy may be applied in place of or in addition to this policy.

The Administrative Director or designee shall immediately report required incidents and may report discretionary incidents involving possession, use or sale of controlled substances on school property, at any school-sponsored activity or on a conveyance providing transportation to or from the school or a school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Joint Operating Committee policies.[12][15][16][19][20][21].

The Administrative Director or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of controlled substances as a victim or suspect immediately, as soon as practicable. The Administrative Director or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Administrative Director or designee shall document attempts made to reach the parent/guardian.[12][19][22].

In accordance with state law, the Administrative Director shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools on the required form. [12][16].

In all cases involving students and controlled substances, the need to protect the educational community from undue harm and exposure to drugs shall be recognized.

No student may be admitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and aware consent of the student and his/her parent/guardian.

#### Reasonable Suspicion/Testing

If based on the student's behavior, medical symptoms, vital signs or other observable factors, the building administrator has reasonable suspicion that the student is under the influence of a controlled substance, the student may be required to submit to drug or alcohol testing. The testing may include but is not limited to the analysis of blood, urine, saliva, or the administration of a Breathalyzer test.

Legal

1. 35 P.S. 780-102
2. 21 U.S.C. 812
3. Pol. 210
4. Pol. 210.1
5. 24 P.S. 1850.1
6. 22 PA Code 12.3
7. 22 PA Code 10.23
8. 20 U.S.C. 1400 et seq
9. Pol. 103.1
10. Pol. 113.1
11. Pol. 113.2
12. Pol. 805.1
13. Pol. 218
14. Pol. 122
15. 24 P.S. 1302.1-A
16. 24 P.S. 1303-A
17. 42 Pa. C.S.A. 8337
18. Pol. 233
19. 22 PA Code 10.2
20. 22 PA Code 10.21
21. 22 PA Code 10.22
22. 22 PA Code 10.25
- 22 PA Code 403.1
- 35 P.S. 780-101 et seq
- 35 P.S. 807.1 et seq
- 21 U.S.C. 801 et seq
- 34 CFR Part 300
- Pol. 805

227-Attach.doc (33 KB)