

Book	Policy Manual
Section	200 Pupils
Title	Controlled Substances/Paraphernalia
Code	227
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### **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 or during nonschool hours to the same extent as provided in Joint Operating Committee policy on student discipline.[\[13\]](#)

### **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.[\[14\]](#)[\[15\]](#)[\[16\]](#)
2. Disseminate to students, parents/guardians and staff the Joint Operating Committee policy and administrative regulations governing student use of controlled substances.

### **Guidelines**

Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.[\[13\]](#)[\[17\]](#)[\[18\]](#)

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.[\[12\]](#)[\[14\]](#)[\[15\]](#)[\[19\]](#)[\[20\]](#)[\[21\]](#)

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.[\[12\]](#)[\[15\]](#)

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.

### 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. 24 P.S. 1302.1-A
15. 24 P.S. 1303-A
16. 42 Pa. C.S.A. 8337
17. Pol. 233
18. Pol. 236
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. 122
- Pol. 805

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**REASONABLE SUSPICION -  
DRUG TESTING OF INDIVIDUAL STUDENTS**

If based on observable behavior or symptoms, a school employee has a reasonable suspicion that a student is under the influence of a controlled substance, the employee will report the matter to the building administrator and the student will be escorted to the school nurse's office for an examination that may include checking the student for abnormal vital signs.

If based on the student's observable behavior, medical symptoms, vital signs or other factors, the building administrator has a 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.

If the student is required to submit to drug or alcohol testing, the testing will be done in the following manner:

1. The administration will attempt to contact the student's parent/guardian before the student is tested.
2. Testing will be done by a medical professional or clinic with appropriate testing facilities approved by the school. The parent/guardian of the student may exercise the right to choose a different medical professional or clinic to administer the test within the time limit set by the school. If the parent/guardian exercises the right to choose another medical professional or clinic, the parent/guardian will pay for the costs of the testing.
3. The testing will be conducted in a reasonable manner using a method that takes into account the factors of the student's age, sex, and the degree of intrusiveness involved in collecting a sample for testing.
4. Disclosure of drug testing results will be limited to the student, the student's parent/guardian, and appropriate building administrators for the purpose of providing counseling or taking appropriate disciplinary action.