

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES

ADOPTED: August 19, 2002

REVISED: July 17, 2006
February 25, 2019

227. CONTROLLED SUBSTANCES

1. Purpose

The Board, administration, and staff believe in the individual value and potential of each member of the school community. The Board recognizes that chemical abuse and dependency impair the ability of individuals to develop their full potential. The Board also recognizes that problems created by chemical abuse and dependency have an adverse effect on the ability of all members of the school community to achieve personal and school district goals. This policy is based on the belief that chemical dependency is a life-threatening illness that affects individuals in all areas of their lives. It is also the school district's belief that chemical dependency is a treatable illness.

2. Definitions

35P.S. 780-102

21 U.S.C. 812

For purposes of this policy, **controlled substances** shall include, but not be limited to, all:

1. Controlled substances prohibited by federal and state law--Any drug listed in the Controlled Substance, Drug, Device and Cosmetic Act or the Comprehensive Drug Abuse Prevention and Control Act or PA Drug Device and Cosmetic Act, as a controlled substance, chemical abused substance or medication for which a prescription is required under law and/or any substance which is intended to alter mood.
2. Look-alike substances-- Any pill, capsule, tablet, powder, liquid, 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.
3. Alcoholic beverages-- Any drink capable of being consumed containing ethanol or ethyl alcohol is an alcoholic beverage. The Beverage Act classifies all alcoholic beverages into four main categories, namely, alcohol, spirits, wine, and beer.
4. Anabolic steroids-- Any anabolic steroids, Human Growth Hormone (HGH), and other performance enhancing substances.

Pol. 210, 210.1

5. Drug paraphernalia-- Any equipment, utensil or item which, in the school's reasonable judgment, is commonly associated with the use of propagation of a controlled substance. Examples include, but are not limited to, syringes, certain spoons, bongos, roach clips, pipes and bowls.
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 similar to the effect of a controlled substance as defined by state or federal law, such as but no limited to "bath salts", herbal incense or other synthetic products containing cannabinoids.
8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board Policy.

For purposes of this policy, the following definitions shall also apply:

1. **Assessment** – An evaluation with recommendations made by a professional drug and alcohol counselor from a local agency; assessment can be done at the agency or at school.
2. **Confiscation** – The search for and/or seizure of any drug/alcohol or mood-altering substance by school employees.
3. **Cooperative Behavior** – The willingness of a student to work with staff and school personnel in a reasonable and helpful manner, complying with requests and recommendations of the staff and school personnel.
4. **Distributing** – Delivering, selling, passing, sharing or giving any controlled substance as defined by this policy, from one person to another or to assist, directly or indirectly, therein.
5. **Possession** – The act of holding on one's person or among one's possessions, or under one's control, without any attempt to distribute any controlled substance, as defined by this policy.
6. **Under the Influence** – shall include any consumption, ingestion, or inhalation of a controlled substance by a student.
7. **School Property** – Includes buildings, facilities and grounds on the school campus, any facility used for a school function, school-sponsored transportation, school bus stop, school parking areas, and routes traveled to and from school by any means, whether or not school is in session.
8. **School-Sponsored Activity** – Any activity which the school district has

<p>3. Authority</p> <p>SC 510, <u>511</u> Title 22 Sec. 12.3</p> <p><u>20 U.S.C. 1400 et</u> <u>Seq</u> <u>Title 22 Sec. 10.23</u> <u>Pol. 103.1, 113.1,</u> <u>113.2, 805.1</u></p> <p>Title 22 Sec. 12.12 42 P.S. 8337 Pol. 207</p>	<p>approved, either during or after school hours, whether or not school is in session.</p> <p>9. S.A.P.F.E Team (Student Assistance Program) – A multi-disciplinary team (MDT) composed of school personnel, teachers, administrators, nurse, and counselors, which is trained to understand and work on the issues of adolescent chemical use, abuse, death, suicide, and pregnancy. The team will be involved in the identification and referral process of students, thus providing student assistance services.</p> <p>10. Uncooperative Behavior – Resistance or refusal, either verbal, physical or passive, on the part of the student to comply with reasonable requests or recommendations of school personnel. Defiance, assault, deceit and flight shall constitute examples of uncooperative behavior. Uncooperative behavior shall also include the refusal to comply with the recommendations of school personnel.</p> <p>The Board has as its purpose the education of the students within the school district according to the standards set down by the Commonwealth of Pennsylvania. The school district's primary concern is for the well-being of the students. However, the school district also has a responsibility to comply with state law. Therefore, school district policy shall be one of extending student assistance services to students through our S.A.P.F.E. team while complying with state laws for the protection of all students and staff.</p> <p>The Board 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 event, and during the time spent traveling to/from school and to/from school-sponsored activities.</p> <p>The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the school's educational, extracurricular or athletic programs resulting from violations of this policy.</p> <p>In the case of a student with a disability, including a student for whom an evaluation is pending, the school district shall take all steps required to comply with the state and federal law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.</p> <p>The privileged confidentiality between students and guidance counselors, school nurses, school psychologists, home and school visitors and other school employees shall be respected; and no confidential communication made to such employee shall be required to be revealed without the consent of the student or parent, unless the best interests of the student can be served only by such release.</p>
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<p><u>Pol. 218</u></p> <p>4. Delegation of Responsibility</p> <p><u>SC 1302.1-A, 1303-A</u> <u>42 P.S. 8337</u></p>	<p><u>Off-Campus Activities</u></p> <p><u>This policy shall also apply to student conduct that occurs off school property or during non-school hours to the same extent as provided in Board policy on student discipline.</u></p> <p>The Superintendent shall prepare rules for the identification, amelioration and control of substance abuse in the schools which:</p> <ol style="list-style-type: none"> 1. Establish procedures to deal with students suspected of using, possessing, being under the influence, or distributing controlled substances in school, up to and including expulsion and referral for prosecution. 2. Provide education concerning the dangers of abusing controlled substances. 3. Disseminate to students, parents and staff Board policy and school district procedures governing student abuse of controlled substances. 4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances. <p>The Superintendent or designee shall react promptly to information and knowledge concerning possible or actual incidents of possession, use or sale of controlled substances. Such action shall be compliance with state law and regulation.</p>
<p>SC 1303-A</p> <p>5. Guidelines</p> <p><u>Title 22 Sec. 10.2, 10.21, 10.22</u> <u>SC 1302.1-A,</u></p>	<p>The Superintendent or designee shall annually, by July 31, report all incidents of possession, use, distribution and sale of controlled substances by any person on school property to the Office of Safe Schools in accordance with state law and regulation.</p> <p>Any staff member who observes students displaying bizarre/unusual behavior patterns or suspecting students of using a controlled substance as defined by the Controlled Substance, Drug, Device and Cosmetic Act of the Commonwealth of Pennsylvania and/or the Liquor Code of the Commonwealth of Pennsylvania shall notify the proper school personnel as designated by the school principal who will ensure that all appropriate means of action and service are implemented.</p> <p>Violations of this policy may result in disciplinary action up to an including expulsion and referral for prosecution.</p> <p>The Superintendent 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</p>

<p><u>1303-A,</u> <u>Pol. 805.1</u></p>	<p>providing transportation to or from a school or school-sponsored activity to the local police department that is jurisdiction over the school's property, in accordance with the state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies.</p>
<p><u>Title 22 Sec. 10.2,</u> <u>10.25</u> <u>Pol. 805.1</u></p>	<p>The Superintendent 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 Superintendent of 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 Superintendent or designee shall document attempts made to reach parent/guardian.</p>
<p><u>SC 1303-A</u> <u>Pol. 805.1</u></p>	<p><u>The Superintendent or designee shall annually, by July 31, report all incidents of possession, use, distribution and sale of controlled substances by any person on school property to the Office of Safe Schools in accordance with state law and regulation.</u></p> <p>In all cases involving students and controlled substances, the need to protect the school community from undue harm and exposure to drugs shall be recognized.</p> <p>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 parent or guardian.</p>
<p>35 P.S. Sec. 807.1</p>	<p><u>Anabolic Steroids</u></p> <p>The use of anabolic steroids, Human Growth Hormone (HGH), and other performance enhancing substances by all students is prohibited, is considered a violation of this policy, and shall result in disciplinary consequences as per the Code of Conduct. In addition to the prohibition of use, the Board directs the administration to develop educational plans regarding the use of anabolic steroids. Education regarding the dangers of anabolic steroids shall be provided in applicable school district drug and alcohol programs.</p>
<p>35 P.S. Sec. 807.2 42 P.S. 8337 Pol. 233</p>	<p>Students should<u>shall</u> be made aware that anabolic steroids are classified as controlled substances and that the use, unauthorized possession, purchase, or sale of anabolic steroids could subject them to suspension, expulsion and/or criminal prosecution.</p> <p>The Superintendent <u>or designee</u> shall cause the prescription, implementation and enforcement of rules and regulations to prohibit the use of anabolic steroids by any student, except for a valid medical purpose, which shall not include body building and/or muscle enhancement, <u>increasing muscle bulk or strength, or the enhancement of athletic ability.</u></p>

<p>35 P.S. Sec. 807.3</p>	<p><u>Reasonable Suspicion/Testing</u></p> <p>If the building principal or designee has reasonable suspicion, based on the student's behavior, medical symptoms, vital signs or observable factors, 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.</p> <p><u>Consequences for Policy Violation</u></p> <p>All students are subject to the penalties prescribed for controlled substances. Students will be informed annually of such penalties, rules and regulations. Appropriate disciplinary action will consider variables such as extent of involvement, age, previous behavior and other relevant information. Disciplinary consequences shall be outlined in the school-Code of <u>Student</u> Conduct.</p> <p>References:</p> <p>School Code 510, 1303-A PA Code Title 22 Sec. 12.3, 12.12 PA Statute 35 P.S. Sec. 780-101 et seq Sec. 807.1, 807.2, 807.3 42 P.S. 8337 Board Policy 207, 222</p>
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