LENAPE AREA VOCATIONAL TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES/ PARAPHERNALIA

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227. CONTROLLED SUBSTANCES/PARAPHERNALIA

1. Purpose

The Joint Operating Committee recognizes that the **use and** abuse of controlled substances **as defined in this policy** is a serious problem with legal, physical and social implications for the whole school community. **The purpose of this policy is to prohibit student possession, use and/or distribution of controlled substances, except as permitted by applicable state or federal law and Joint Operating Committee policy. [1][2]**

2. Definitions

For purposes of this policy, **controlled substances** shall include: [3][4]

1. Any controlled substance prohibited by federal or **Pennsylvania** laws.
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 [1][2]

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

For purposes of this policy, **look-alike drug** 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.

3. 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 the school and school-sponsored activities. A controlled substance in a student's vehicle parked or driven on school property is considered possession. [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 **law enforcement** and Joint Operating Committee policies. [7][8][9][10][11][12] <u>Off-Campus Activities</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 Joint Operating Committee policy on student discipline.[13]
4. 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 and 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 the school of students convicted of offenses involving controlled substances.
5. 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 **the prohibited** 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 **law enforcement agency** 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 **the prohibited** 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 law enforcement agency 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 **prohibited** possession, use or sale of controlled substances to the **PA Department of Education**. [12][14][15]

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

No student may permitted to a program that seeks to identify and rehabilitate the potential abuser without the intelligent, voluntary and aware consent of the student and 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.

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Legal References
1. Pol. 210
2. Pol. 210.1
3. 35 P.S. 780-102
4. 21 U.S.C. 812
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. 1306.2-B 15. 24 P.S. 1319-B 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 23. 35 P.S. 807.1 24. 35 P.S. 807.2 22 PA Code 403.1 35 P.S. 780-101 et seq 35 P.S. 807.1 et seq 20 U.S.C. 7114 20 U.S.C. 7118 21 U.S.C. 801 et seq 34 CFR Part 300 Pol. 122 Pol. 805 Pol. 823