

LUZERNE  
INTERMEDIATE  
UNIT #18

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES/  
PARAPHERNALIA

ADOPTED: November 20, 2002

REVISED: March 25, 2015

<p>1. Purpose</p> <p>2. Definitions 35 P.S. Sec. 780-102 20 U.S.C. Sec. 1415 21 U.S.C. Sec. 812</p> <p>Pol. 210, <b>210.1</b></p>	<p style="text-align: center;">227. CONTROLLED SUBSTANCES/PARAPHERNALIA</p> <p>The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the school community. As an educational institution, the Intermediate Unit shall strive to prevent abuse of controlled substances.</p> <p>For purposes of this policy, <b>controlled substances</b> shall include all:</p> <ol style="list-style-type: none"> <li>1. Controlled substances prohibited by federal and state law.</li> <li>2. Look-alike drugs.</li> <li>3. Alcoholic beverages.</li> <li>4. Anabolic steroids.</li> <li>5. Drug paraphernalia.</li> <li>6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.</li> <li>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.</li> <li>8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to Board policy.</li> </ol> <p>For purposes of this policy, <b>under the influence</b> shall include any consumption or ingestion of controlled substances by a student.</p> <p>For purposes of this policy, <b>look-alike drug</b> 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.</p>
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<p>3. Authority SC 914-A Title 22 Sec. 12.3</p> <p><b>Title 22</b> <b>Sec. 10.23</b> 20 U.S.C. Sec. 1400 et seq Pol. <b>103.1</b>, 113.1, <b>113.2, 805.1</b></p> <p>Pol. 218</p>	<p>The Board prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, <b>at any time while at school or Intermediate Unit programs, on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit, or on a conveyance providing transportation to or from any school function under the jurisdiction of the Intermediate Unit.</b></p> <p><b>In the case of a student with a disability, including a student for whom an evaluation is pending, the Intermediate Unit 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 that has jurisdiction over the school property of the Intermediate Unit and Board policies.</b></p> <p>When the district where the Intermediate Unit program is located has an adopted policy on controlled substances, Intermediate Unit employees shall follow the district's policy. Intermediate Unit employees working in districts that do not have such policy shall comply with this Board policy. Intermediate Unit employees shall comply with this Board policy for situations not governed by the district policy.</p> <p><u>Off-Campus Activities</u></p> <p>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:</p> <ol style="list-style-type: none"> <li>1. The conduct occurs during the time the student is traveling to and from the Intermediate Unit, an Intermediate Unit program or an Intermediate Unit-sponsored activity, whether or not via Intermediate Unit furnished transportation.</li> <li>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.</li> <li>3. Student expression or conduct materially and substantially disrupts the operations of the school or Intermediate Unit program, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school or Intermediate Unit program.</li> <li>4. The conduct has a direct nexus to attendance at school, an Intermediate Unit program, or an Intermediate Unit-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.</li> </ol>
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<p>4. Delegation of Responsibility</p> <p>SC 1302.1-A, 1303-A 42 Pa. C.S.A. Sec. 8337</p> <p>SC 1302.1-A Pol. 805, <b>805.1</b></p> <p>5. Guidelines</p> <p>Pol. 218, 233</p> <p>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21, 10.22 Pol. 805.1</p> <p>Title 22 Sec. 10.2, 10.25 Pol. 805.1</p>	<p>5. The conduct involves the theft or vandalism of school property.</p> <p>6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school, Intermediate Unit programs, or Intermediate Unit-sponsored activities.</p> <p>The Executive Director or designee shall develop administrative regulations to identify and control substance abuse in the Intermediate Unit programs which:</p> <ol style="list-style-type: none"> <li>1. Establish procedures to deal with students suspected of using, possessing, being under the influence, or distributing controlled substances in Intermediate Unit programs.</li> <li>2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student abuse of controlled substances.</li> </ol> <p>The Executive Director <b>or designee</b> shall react promptly to information and knowledge concerning possible or actual incidents of possession, use or sale of controlled substances. Such action shall be in compliance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement <b>that has jurisdiction over the school property of the Intermediate Unit and Board policies.</b></p> <p><b>Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.</b></p> <p><b>The Executive Director or designee shall immediately report required incidents and may report discretionary incidents involving possession, use or sale of controlled substances by students at school or Intermediate Unit programs, on school property of the Intermediate Unit, at any school function under the jurisdiction of the Intermediate Unit, or on a conveyance providing transportation to or from any school function under the jurisdiction of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</b></p> <p><b>The Executive 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 Executive Director or designee shall inform the parent/guardian whether</b></p>
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<p>SC 1303-A <b>Pol. 805.1</b></p>	<p><b>or not the local police department that has jurisdiction over the school property of the Intermediate Unit has been or may be notified of the incident. The Executive Director or designee shall document attempts made to reach the parent/guardian.</b></p> <p>In accordance with state law, the Executive Director shall annually, by July 31, report all incidents of possession, use <b>or</b> sale of controlled substances to the Office for Safe Schools on the required form.</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><u>Reasonable Suspicion/Testing</u></p> <p>If based on the student's behavior, medical symptoms, vital signs or other observable factors, the program supervisor or building administrator has reasonable suspicion that the student is under the influence of alcohol or 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>References:</p> <p>School Code – 24 P.S. Sec. 914-A, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. <b>10.2, 10.21, 10.22, 10.23, 10.25</b>, 12.3</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.</p> <p>Steroids – 35 P.S. Sec. 807.1 et seq.</p> <p>PA Civil Immunity of School Officers/Employees Relating to Drug or Alcohol Abuse – 42 Pa. C.S.A. Sec. 8337</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. <b>1400 et seq.</b></p> <p>Controlled Substances Act – 21 U.S.C. Sec. 801 et seq.</p>
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**Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300**

Board Policy – 000, **103.1, 113.1, 113.2**, 210, **210.1**, 218, 233, 805, **805.1**

NOTES:

Maintenance – make sure any drug testing policy has been reviewed by solicitor. See Andrews & Price memo for guidance.

**PSBA Revision 4/13**