

Book: Luzerne Intermediate Unit
Section: 200 Pupils
Title: Controlled Substances/ Paraphernalia
Code: 227
Status: Active
First Adopted: November 20, 2002
Last Revised: August 7, 2024



Purpose

The Board 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 Board policy.[1][2]

Definitions

For purposes of this policy, controlled substances shall include:[\[3\]](#)[\[4\]](#)[\[5\]](#)

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 Board policy.[1][2]

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 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.

Authority

The Board prohibits students from using, possessing, distributing and being under the influence of any controlled substances during school hours, 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.[\[6\]](#)

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 law enforcement that has jurisdiction over the school property of the Intermediate Unit and Board policies.[\[7\]](#)[\[8\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)

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.

Off-Campus Activities

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.[\[13\]](#)

Delegation of Responsibility

The Executive Director or designee shall develop administrative regulations to identify and control substance abuse in the Intermediate Unit programs which:

1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence or distributing controlled substances in Intermediate Unit programs.[\[14\]](#)[\[15\]](#)[\[16\]](#)
2. Disseminate to students, parents/guardians and staff the Board 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 Executive Director or designee shall immediately report required incidents and may report discretionary incidents involving the prohibited 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, to the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies.[12][14][15][19][20][21]

The Executive 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 Executive Director or designee shall inform the parent/guardian whether or not the law enforcement agency 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.[12][19][22]

In accordance with state law, the Executive Director shall annually, by July 31, report all incidents of prohibited possession, use or sale of controlled substances to the PA Department of Education on the required form.[12][14][15]

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.

Reasonable Suspicion/Testing

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 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. Pol. 210
2. Pol. 210.1
3. 20 U.S.C. 1415
4. 35 P.S. 780-102

5. 21 U.S.C. 812
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
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
Pol. 823