

SHALER AREA SCHOOL DISTRICT

No: 227

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES/PARAPHERNALIA

ADOPTED: MAY 20, 1998

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227. CONTROLLED SUBSTANCES/PARAPHERNALIA	
1. Purpose	<p>The Board recognizes that school authorities are dedicated to the welfare of students of the Shaler Area School District. As the education institutions of this District, schools shall strive to protect the health, safety, and welfare of all concerned and to prevent abuse of controlled substances and health-endangering compounds.</p>
2. Delegation Of Responsibility	<p>The Superintendent or designee shall develop administrative regulations to identify and control 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. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student abuse of controlled substances.3. Provide education concerning the dangers of abusing controlled substances.
SC 1302.1-A, 1303-A 42 Pa. C.S.A Sec. 8337 Pol. 218, 233	
SC 1302.1-A Pol. 805	<p>The Superintendent 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 regulation and with the procedures set forth in the memorandum of understanding with local law enforcement officials.</p> <p>The Superintendent shall annually, by July 31, report all incidents of possession, use and sale of controlled substances by any person on school property to the Office of Safe Schools on the required form in accordance with state law and regulation.</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>
SC 1303-A	
3. Guidelines	<p><u>Responsibility of School Personnel</u></p> <p><u>Prevention</u></p> <ol style="list-style-type: none">1. Planned courses of instruction on substance abuse are taught in grades K-12.2. Whenever possible, planned courses of instruction will address pupil self-esteem, self-awareness, personal worth, and decision making to enable students to make informed choices involving the use and abuse of drugs, alcohol, and

<p>42 P.S. 8337</p> <p>3. Authority SC 510, Title 22 Sec. 12.3</p> <p>P.L. 101-226 Sec. 5115 (a) (4)</p>	<p>other substances which could be abused.</p> <p>3. Principals and staff shall work toward a positive school climate which promotes a "good feeling" about the school as a place to learn.</p> <p>4. School Board policy and building rules of discipline related to chemical use shall be consistently and fairly enforced.</p> <p><u>Intervention</u> The principal, with his/her staff, will adhere to the procedures set forth herein. Rules and procedures shall be published and distributed with teacher and student handbooks, supplemental contracts, and rules for chaperones and followed as published in all school-sponsored activities as well as classes.</p> <p>All personnel of the Shaler Area School District are to report to their immediate supervisor any student or employee involved in the use, transfer, or possession of alcohol, drugs, steroids, narcotics, or other health endangering compounds while on or about the school property or while on a school-related function.</p> <p>All personnel of the Shaler Area School District are to report to their immediate supervisor any person who is not a student or employee and who is found to be using, being under the influence, soliciting, possessing, or giving a student or employee any alcohol, drugs, narcotics, or health-endangering compounds while on or about the school property or while on a school-related function.</p> <p>The supervisor is to report such information to the Superintendent immediately and to confirm the same to the Superintendent as soon as possible in writing, relating the specific sequence of events in each case.</p> <p>The supervisor or the Superintendent will immediately notify the appropriate law enforcement agency in any case involving persons not related to the District.</p> <p>The Board prohibits students from using, possessing, soliciting, 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.</p> <p><u>Immediate Actions</u></p> <ul style="list-style-type: none"> • Parents or guardians shall be immediately contacted by administration and the student shall be sent home or removed from the school for medical attention if necessary. If parents or guardians cannot be reached, the decision to get medical attention for the student or to isolate the student from other students shall be made by school administration. • The police department having jurisdiction over the area in which the school is located shall be notified by the Superintendent or designee and the student shall be referred to appropriate action. • The student initially will be suspended for a minimum of three school days.
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- Referral to Student Assistance Team and upon investigation, referral for assessment and compliance with recommendations at the parents' expense.

Verification indicating that parents have received notification of date, time, and location of informal hearing. If notification is verbal, it will be confirmed by a follow-up letter.

Informal Hearing

- Within the three-day suspension period above, an informal hearing shall be held with the student, his/her parents or guardian, local police department representative, if appropriate, the school administration, and any other person who, in the judgment of the administration, could make contributions to aid in determining the course of action. As a result of the meeting, the administration may recommend one or more of the following:
 - Full suspension for up to ten school days.
 - Principal makes referral to the Superintendent for possible expulsion hearing before the Board of School Directors.
 - Referral to the appropriate law enforcement agency with strong recommendation that the student be prosecuted.

Transfer or Intent to Transfer "Look Alike Drugs"

A student who, while under the school's jurisdiction, is found to transfer or intends to transfer "look alike drugs" shall be subject to conditions outlined above.

Procedures and Practices - Dealing with Suspects

All students and staff members of the Shaler Area School District shall report to the principal or designee any person suspected of soliciting, giving, being under the influence, or using alcohol or other drugs, narcotics, or other health endangering compounds on or about school property or while on school-related functions.

- Persons who have been in a position to make such a report and have failed to do so shall be subject to disciplinary action by their immediate supervisor when reasonable evidence is presented indicating that such person has ignored the responsibility.
- School administrative personnel shall have the authority to require students or other persons under the jurisdiction to submit to a thorough search of clothing, handbags, wallets, book bags, parked cars, backpacks, and locker, to take possession of any unauthorized materials suspected of being in their possession.
- Students who refuse to submit to a reasonable cause search as outlined in this policy shall be immediately suspended from school and referred to the Superintendent's office for disposition, which shall include any of the enumerated designations in the "Informal Hearing" section of this

<p>35 P.S. Sec. 807.1</p> <p>35 P.S. Sec. 807.2 Pol. 233</p>	<p>policy.</p> <ul style="list-style-type: none"> • Students who refuse to submit to a reasonable cause search may also be detained, if the administration feels it is warranted, while the police are contacted to determine to what extent they may need to be involved in the case. • Persons found to possess, use, abuse, distribute, or suspected to be under the influence of alcohol or other drugs, narcotics, or other health endangering compounds are to be promptly subjected to the steps outlined in this policy. • Persons who, after submitting to a search, are found not to be in possession of alcohol or other drugs, narcotics, or other health endangering compounds, are to be promptly excused and no further action taken. A report of the incident shall be filed with the immediate supervisor for future reference, but shall not be retained for a period of more than one year from the date of the report if no similar instances are reported. <p><u>Medicine in the Schools</u> (Storage and Taking of Medicine)</p> <p>Refer to Shaler Area School District Policy 210.</p> <p><u>Anabolic Steroids</u></p> <p>The Board prohibits the use of anabolic steroids by students involved in school-related athletics, except for a valid medical purpose. Body building and muscle enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.</p> <p>Students shall be made aware annually of the dangers of steroid use; that anabolic steroids are classified as controlled substances; and that their use, unauthorized possession, purchase, or sale could subject students to suspension, expulsion and/or criminal prosecution.</p> <p><u>Students Who Come Voluntarily</u></p> <p>A student seeking help and not under the influence of, or distributing, or in the possession of alcohol or other drugs, narcotics, or other health endangering compounds within the school, who comes or is referred to the principal, is not subject to the provisions of this policy, and will be referred to the Student Assistance Team. However, if the violation is a matter of public record or has become public knowledge, the student will incur the consequences stated above.</p>
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4. Definitions
35 P.S.
Sec. 780-102
21 U.S.C.
Sec. 812

Pol. 210

Definitions and Procedures

For purposes of this policy, controlled substances shall include all:

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, such as but not limited to herbal incense or other products containing synthetic cannabinoids.
8. Prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.
9. Bottles of nicotine or vape pen oil.

Definitions of terms used in this document include:

Alcohol and Other Drugs shall include any alcohol or malt beverage, tobacco product, any drug listed in Act 64 (1972) as a controlled substance, abused substance, look-alike drug or medication for which a prescription is required under the law.

Examples of the above include, but are not limited to alcohol, alcoholic beverages, tranquilizers, amphetamines, synthetic opiates, beer, wine, liquor, marijuana, hashish, LSD and other hallucinogens, chemical solvents, glue solvent-containing substances, anabolic steroids, look-alike substances and any capsules, pills, liquids not registered with the nurse, annotated within the student's health record and given in accordance with the school district policy for the administration of medication to students in school.

A more specific and comprehensive list would include all substances identified in the following laws:

- Drug, Device, and Cosmetic Act 1971 (Commonwealth of Pennsylvania) as amended.
- Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 (Federal Law) as amended.
- The Controlled Substance Drug, Device, and Cosmetic Act of April (P.L. 233, No. 64) as amended.

Look Alike Drugs are any substances manufactured or designated to resemble drugs, narcotics, or other health endangering compounds. 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

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induce others to believe the material is a controlled substance.

Cooperative Behavior is defined as the willingness of a student to work with school personnel in a reasonable and helpful manner by complying with requests and recommendations made by the members of the Student Assistance Team.

Uncooperative Behavior is defined as the resistance or refusal, either verbal, physical, or passive, on the part of the student with the reasonable request or recommendations of the principal or school personnel. Defiance, assault, deceit, destruction of property, and flight shall constitute examples of uncooperative student behavior. Uncooperative behavior shall also include parent/guardian and/or a student's refusal to comply with the recommendations made by the principal and/or Student Assistance Team.

Student Assistance Team is a multi-disciplinary team composed of school personnel: teachers, staff, administrators, nurses, and counselors; and community professionals: mental health liaison and drug and alcohol liaison. This team has been trained to understand the issues of adolescent chemical use, abuse, and dependency and will communicate this information to the faculty. It will also pay the primary role in the identification and referral of students coming to its attention through the procedures outlined in this policy.

Possession is to have or hold, without any attempt to distribute alcohol, tobacco, or health endangering compounds determined to be illegal or as defined by this policy.

Distributing is defined as delivering, selling, passing, sharing, or giving any alcohol, drug, or mood-altering substance, as defined by this policy, from one person to another or to aid therein.

Anabolic Steroids are synthetic drugs similar to the male hormone testosterone and cause decreased production of the body's testosterone.

Manufacturing is defined as the production, preparation, propagation, compounding, conversion, or processing of a controlled substance.

Out-of-School Suspension is a suspension within the meaning of the Pennsylvania School Code where parents assume full responsibility of the student for a specified time period.

School Personnel are any employees or agents of the Shaler Area School District.

School Jurisdiction shall include any occurrence under this policy, involving a student while in any school building, on any school grounds, facility, or school or personal vehicle used for school functions or school purposes. School jurisdiction shall also include occurrences at school bus stops and at all school-sponsored events (including transportation to and from) and activities occurring off school grounds.

Paraphernalia shall include any apparatus associated with the use of alcohol or other drugs such as, but not limited to, papers, bongos, clips, pipes, stones,

<p>4. Guidelines Regarding Suspicious, Investigations, and Searches</p>	<p>needles, refillable electronic cigarettes (vape pens); or as may be further defined under the Pennsylvania Controlled Substance, Drug, Device, and Cosmetic Act.</p> <p>Under the influence shall include any consumption or ingestion of controlled substances by a student.</p> <p><u>Suspicious, Investigations, and Searches</u></p> <p>Instances exist where direct observation of drug or alcohol activity doesn't occur, but information gained that creates suspicion of such activity may require the District to investigate the matter and possibly even engage in searches. Searches could be random in nature as a means of deterring drug and alcohol activity or specific to an allegation or reasonable suspicion.</p> <p><u>Reasonable Suspicion</u></p> <p>Reasonable suspicion means more than "mere" suspicion. The school authorities must apply an objective test in determining whether reasonable suspicion exists. The basis for reasonable suspicion will include:</p> <ol style="list-style-type: none"> 1. Eyewitness testimony. 2. A student's past record or reputation for use or possession of drugs and alcohol. 3. Information obtained through an informant or through reliable statements, which incriminate a student or gives evidence that drug/alcohol activity exists within the School District. 4. Any other independent evidence which gives rise to a reasonable conclusion that a student has engaged in a violation of the policy, or that drug/alcohol activity exists within the School District. <p>Note: While the above factors, standing alone, may not always suffice in supporting a reasonable suspicion of a substance, a combination of these factors will strengthen the school's position of "Reasonable Suspicion."</p> <p><u>Reasonable Scope of Search</u></p> <p>A personal search of the student or a general search of the school must be reasonably related to the objectives of the search and must be the least intrusive means of maintaining order and safety in the school. A personal search includes a pat-down or frisk; a search of the student's personal belongings (i.e., a purse); and the use of dogs to "sniff out" drugs located on a student.</p> <p>As a general principal, personal searches should not be the initial means of determining whether a student is in violation of the substance abuse policy. Instead, personal searches should be used as a last resort.</p> <p>Note: The intrusiveness of the search must be reasonably related to the suspected violation. For example, a strip search or a drug screening of a thirteen-year old student found smoking a cigarette in the restroom, without more, would be unreasonable in light of the age of the student and the nature of</p>
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the infraction.

Of course, once the school has obtained sufficient evidence to discipline a student, there is really no need to continue with further searches. For example, if school authorities have reasonable suspicion that a student has violated the substance abuse policy, and drugs are found in that student's locker, there might be no further need for a personal search of that student or to require that student undergo drug testing. If the drugs found in the student's locker provide sufficient evidence to discipline the student, any further search would be considered excessively intrusive.

Automobile Searches

The 4th Amendment prohibits a general search of a student's vehicle, absent the student's consent or a reasonable suspicion the car contains prohibited substances.

However, it is lawful for school officials to patrol school parking lots and to look into a student's car without the student's consent or a showing of reasonable cause. If the school officials observe an item which would create a reasonable inference that the student is violating school policy, the officials may search the inside of the car. Once again, if possible, the District will make every attempt to have the student present during this search. If the student refuses to turn over keys, parents will be asked to unlock the automobile. If the parent refuses, law enforcement authorities will be requested immediately. Law enforcement authorities have the legal right to detain the automobile while securing a search warrant.

Undercover Agents

A school's use of an undercover agent to enforce its substance abuse policy will be subject to close scrutiny by the courts, if challenged, and should be used only as a last resort.

Undercover agents would be used at the request of local police authorities and under their strict supervision and guidelines.

There is an assumption that undercover agents have a vested interest in "catching" violators. This underlying bias may taint the effectiveness of the agent. Similarly, the use of an undercover agent may lead to claims of entrapment, further undermining the effectiveness of this means of enforcement.

Use of Canines

It shall be the policy of the School District to permit the administration to periodically invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained for the purpose of detecting the presence of illegal substances, subject to the following:

1. The administration shall authorize the search and have a designee on hand while the search is taking place.
2. Parents and students will be notified of this policy through its inclusion in the student and/or parent handbook.
3. All school property such as lockers, classrooms, parking areas, and storage areas may be searched.
5. Individual(s) shall not be subjected to a search by dogs unless school officials have established independently that there is reasonable cause to believe the student possesses contraband on his/her person. The canines must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions. An indication by the dog that contraband is present on school property or an automobile shall be reasonable cause for further search by school officials.
5. Once notification has been given to parents and student, through the inclusion of the policies in the student and/or parent handbook, the School District will have met its obligation to advertise the searches. Additional notices need not be given and actual times or dates of planned searches not be released in advance.
6. The purpose of these canine searches will be to react to reasonable suspicion of drug/alcohol activity and also as a deterrent to drug/alcohol activity.
7. If a student, a student's locker, or a student's automobile is suspected of possessing drugs or alcohol as a result of a canine search, the procedures outlined in pages 3 and 4 of this policy, "Procedures and Practices - Dealing with Suspects," will apply.

What to Do if You Confiscate a Substance as a Result of Observation, a Suspicion, or a Search

The following procedure is recommended to protect the administrator and the school, as well as the particular student and his/her rights:

1. Never accuse a student of possession or use of any drug.
2. Place any confiscated sample in an envelope (a witness should be present).
3. Note the following on the outside of the envelope:
 - Date and time.
 - School name.
 - Description of contents (i.e., leafy vegetable material, pill, capsule). Do not guess at labeling.
4. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible for illegal substance(s) on school property.

<p>Pol. 218</p> <p>Pol. 122, 123</p> <p>20 U.S.C. Sec. 7161</p> <p>20 U.S.C. Sec. 7114</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"> 1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via school district furnished transportation. 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. 3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school. 4. The conduct has a direct nexus to attendance at school or a school-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. 5. The conduct involves the theft or vandalism of school property. 6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities. <p>References:</p> <p>Controlled Substances Act - 21 U.S.C. Sec. 801 et seq</p> <p>PA Controlled Substance, Drug, Device and Cosmetic Act - 35 P.S. 780-101 et seq</p> <p>PA Civil Immunity of School Officers/Employees Relating to Drug or Alcohol Abuse - 41 Pa. C.S.A. 8337</p> <p>Steroids - 35 P.S. Sec. 807.2</p> <p>School Code - 24 P.S. Sec. 510, 511, 1303-A</p> <p>State Board of Education Regulations - 22 PA Code Sec. 12.3; 22 PA Code Sec. 403.1</p> <p>No Child Left Behind Act of 2001 - 20 U.S.C. Sec. 7114, 7161</p> <p>Board Policy - 122, 123, 210, 218, 233</p>
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