

# HAMBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: CONTROLLED SUBSTANCES/  
PARAPHERNALIA

ADOPTED: March 23, 2015

REVISED:

	<b>227. CONTROLLED SUBSTANCES/PARAPHERNALIA</b>
1. Purpose	The Board recognizes that the abuse of controlled substances is a serious problem with legal, physical and social implications for the whole school community. As an educational institution, the schools shall strive to prevent abuse of controlled substances.
2. Definitions 35 P.S. Sec. 780-102 21 U.S.C. Sec. 812	For purposes of this policy, <b>controlled substances</b> shall include all: <ol style="list-style-type: none"> <li>1. Controlled substances prohibited by federal and state laws.</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 laws.</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>
Pol. 210, 210.1	

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<p>3. Authority SC 510, 511 Title 22 Sec. 12.3</p> <p>Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1, 113.2, 805.1</p> <p>Pol. 218</p> <p>Pol. 122, 123</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> <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 activity, and during the time spent traveling to and from school and to and 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 district 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 and Board policies.</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 school or traveling to and from school-sponsored activities, whether or not via school district 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 the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school.</li> <li>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.</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 1303-A</p> <p>5. Guidelines 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 or school-sponsored activities.</p> <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"> <li>1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.</li> <li>2. Disseminate to students, parents/guardians and staff the Board policy and administrative regulations governing student use of controlled substances.</li> <li>3. Provide education concerning the dangers of abusing controlled substances.</li> <li>4. Establish procedures for education and readmission to school of students convicted of offenses involving controlled substances.</li> </ol> <p>Incidents of possession, use and sale of controlled substances by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.</p> <p>Violations of this policy may result in disciplinary action up to and 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 providing transportation to or from a school or school-sponsored activity to the local police department 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 Board policies.</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 or 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 the parent/guardian.</p>
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<p>SC 1303-A Pol. 805.1</p>	<p>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of controlled substances to the Office for Safe Schools.</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/guardian.</p>
<p>35 P.S. Sec. 807.1</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, increasing muscle bulk or strength, or the enhancement of athletic ability are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid.</p>
<p>35 P.S. Sec. 807.2 Pol. 233</p>	<p>Students shall be made aware 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>35 P.S. Sec. 807.3</p>	<p>The minimum penalties are prescribed for any student athlete found in violation of the prohibited use of anabolic steroids in the Athletic Handbook.</p> <p>No student shall be eligible to resume participation in school athletics unless a medical determination has been submitted, verifying that no residual evidence of steroids exists.</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 building principal 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.</p>

References:

School Code – 24 P.S. Sec. 510, 511, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.22, 10.23, 10.25, 12.3, 403.1

PA Controlled Substance, Drug, Device and Cosmetic Act – 35 P.S. Sec. 780-101 et seq.

Steroids – 35 P.S. Sec. 807.1 et seq.

PA Civil Immunity of School Officers/Employees Relating to Drug or Alcohol Abuse – 42 Pa. C.S.A. Sec. 8337

Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.

No Child Left Behind Act – 20 U.S.C. Sec. 7114, 7161

Controlled Substances Act – 21 U.S.C. Sec. 801 et seq.

Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300

Board Policy – 000, 103.1, 113.1, 113.2, 122, 123, 210, 210.1, 218, 233, 805, 805.1