

KEYSTONE OAKS SCHOOL DISTRICT

Policy Guide



Policy No. 227

Section PUPILS

Title CONTROLLED SUBSTANCES/
PARAPHERNALIA

Adopted AUGUST 21, 1989

Revised JUNE 25, 2015;
NOVEMBER 16, 2009;
OCTOBER 19, 1998

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| <p>Section 1</p> | <p style="text-align: center;">POLICY NO. 227 CONTROLLED SUBSTANCES/PARAPHERNALIA</p> <p><u>Purpose</u></p> <p>The Keystone Oaks School District prohibits the use, possession, sale, distribution, and consumption of any amount, and/or the procurement or solicitation of alcohol, restricted drugs, or look alike drugs, or any aspect of any transaction relating thereto, while a student is attending school or at any school sponsored or school approved activity, occurring before, during or after school hours, at school or on any School District property, and/or while traveling to and from school in a School District provided vehicle. The School District also prohibits the possession, use or distribution or any aspect of any such transaction with respect to drug paraphernalia on school property, in school lockers, on school buses, at school stops, or at any school sponsored activity. Finally, the Keystone Oaks School District prohibits the use and/or consumption of any amount of alcohol or restricted drugs prior to attending school, or at any school sponsored activity.</p> <p>Violation of this policy shall be cause for a student to be disciplined in accordance with <i>Board Policy No. 233 - Suspension and Expulsion.</i></p> | |
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| <p>Section 2</p> | <p style="text-align: center;">POLICY NO. 227 CONTROLLED SUBSTANCES/PARAPHERNALIA</p> <p><u>Definitions</u></p> <ol style="list-style-type: none"> 1. Restricted Drugs – Includes opiates, hallucinogens, marijuana, steroids, barbiturates, heroin, morphine, alcohol, cocaine, tranquilizers, amphetamines, mood altering inhalants, and any and all those substances as designated as “controlled substances” and prohibited by the Controlled Substance Drug, Device and Cosmetic Act, or any comparable or related state or federal statute or regulation. 2. Look-Alike Drug, Substance, Liquid or Device – A non-controlled drug, substance, liquid or device which, in its overall appearance substantially resembles in size, shape, color and/or markings or lack thereof, a controlled substance, drug, liquid, alcoholic substance or device, or which is packaged or enclosed in a container substantially similar to that accompanying or containing a specific controlled substance, liquid, drug, alcoholic substance or device. 3. Alcoholic Substance – A substance intended for consumption with percentage alcohol content, including but not limited to liquor, beer, wine and grain alcohol. A substance containing alcohol for medical purposes and necessary to the treatment of an existing condition shall not be included within this definition if properly registered with the school nurse. 4. Drug Paraphernalia – Includes those items listed in the Controlled Substance, Drug, Device and Cosmetic Act, as well as any material(s) fashioned with the intent to use. Drug paraphernalia shall also include any forged, stolen, or blank prescription forms. 5. Use – Means to ingest, inhale, inject, imbibe or otherwise cause a restricted drug or alcohol to reach the bloodstream or digestive tract. 6. Possession – The possession of any restricted drug, alcohol, any material purported to be such (look alike or imitation drugs) or drug paraphernalia. The finding of any such restricted materials in a student’s locker shall | <p>35 P.S. Sec. 780-102 21 U.S.C. Sec 812</p> |
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be deemed to constitute possession by the student. Any such restricted materials found in an automobile used by a student and located on school property shall also result in the student being deemed to be in possession of the restricted material.

7. **Distribution** – To give possession of a restricted drug, alcohol, any material purported to be such (look alike or imitation drugs) or drug paraphernalia to another person, whether or not for compensation for sale.
8. **Student Assistance Team** – School District designated multidisciplinary team trained in awareness and understanding of chemical use, abuse and dependency. The responsibility of the Team is to receive referrals, collect, and analyze data concerning each referral, and to make recommendations regarding each referral.
9. **Cooperative Behavior** – The willingness of the student to work with staff and school personnel in a reasonable and helpful manner. Cooperative behavior shall include, but not be limited to, the student’s compliance with requests and/or recommendations made by the Student Assistance Team.
10. **Uncooperative Behavior** – Includes the resistance or refusal, either verbal, physical or passive, on the part of the student to comply with the reasonable request or recommendations of school personnel. Defiance, assault, deceit, destruction of property and flight shall constitute examples of uncooperative student behavior. For purposes of this policy, uncooperative behavior shall also include refusal of the student and/or his or her parent or guardian to comply with the requests and/or recommendations of the Student Assistance Team.

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| <p>Section 3</p> | <p>POLICY NO. 227 CONTROLLED SUBSTANCES/PARAPHERNALIA</p> | |
| | <p><u>Restrictions on Student Conduct/ Procedures</u></p> <ol style="list-style-type: none"> 1. The possession, sale, use and/or distribution of any amount of alcohol, restricted drugs, look alike drugs or drug paraphernalia are strictly forbidden. This prohibition applies while a student is on school grounds, is anywhere during a school-sponsored activity, occurring before, during, and/or after school hours, is anywhere under the jurisdiction of the school district or while using school district provided transportation. Students in violation of the prohibition will be subject to the provisions and procedures contained in Board Policies regarding suspension or exclusion from school. 2. The use by any student of any amount of alcohol or restricted drugs prior to attending school or any school sponsored activity or event, or being carried by school district provided transportation, regardless of the time of day of his/her attendance at school or the school sponsored activity or event, or the time of day of the transportation, and/or regardless of the location of the activity or event, is also strictly prohibited, and will subject the student to suspension or expulsion from school in accordance with applicable Board policies. 3. The appropriate school authorities, building principal or designee, shall notify the police and/or other appropriate authorities of any incident in violation of this policy and obtain positive identification of the substance involved as expeditiously as possible. 4. A student may not possess or use any prescription or non-prescription drug except in accordance with district policies. Notwithstanding the foregoing, a student who brings a prescription or non-prescription drug to school in compliance with the aforementioned policies shall still be prohibited from selling or otherwise distributing the drug to any other individual. 5. Any student who, prior to being cited or investigated for a violation of this policy, voluntarily comes to a district staff member seeking help for a drug or alcohol use/abuse problem shall be exempt from the disciplinary | <p>SC 510, 511 Title 22 Sec. 12.3</p> |

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| | <p style="text-align: center;">POLICY NO. 227 CONTROLLED SUBSTANCES/PARAPHERNALIA</p> <p>aspects of this policy. This exemption shall be granted if, in his/her professional opinion, the Superintendent, principal or designee, believes that the student is acting in good faith to seek help to address his or her problem.</p> <p>6. Any student engaged in activities prohibited by this policy will be referred to the Student Assistance Team. The Student Assistance Team will process the student as a referral, issue behavioral assessment forms to the teacher(s) of the student, collect and evaluate the feedback, and interview the student and/or parents or guardians.</p> <p style="padding-left: 40px;">a. Recommendations will be established and discussed with the Administration. Final recommendations will be made to the student and his/her parents or guardians by the Administration at a recommendation conference.</p> <p style="padding-left: 40px;">b. With the exception of those students referred to in paragraph (5) above, a student who does not agree to and comply with the Administration’s recommendations within two (2) weeks of the recommendation conference may be subject to further disciplinary action by the Administration and Board of School Directors.</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>Section 4 <u>Delegation of Responsibility</u></p> <p>The Superintendent shall develop administrative regulations to identify and control substance abuse in the schools which:</p> <p>1. Establish procedures to appropriately manage situations involving students suspected of using, possessing, being under the influence, or distributing controlled substances.</p> | <p>Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq. Pol. 113.1, 825</p> <p>SC 1302.1-A, 1303-A 42 Pa. C.S.A. Sec. 8337</p> |
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| <p>Section 5</p> | <p style="text-align: center;">POLICY NO. 227 CONTROLLED SUBSTANCES/PARAPHERNALIA</p> <ol style="list-style-type: none"> 2. Disseminate to students, parents/guardians and staff the Board 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 school of students convicted of offenses involving controlled substances. | |
| | <p><u>Guidelines</u></p> | |
| | <p>Violations of this policy may result in disciplinary action up to and including expulsion and referral for prosecution.</p> | <p>Pol. 218, 233</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>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.21, 10.22 Pol. 825</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 when 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> | <p>Title 22 Sec. 10.2, 10.25 Pol. 825</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>SC 1303-A Pol. 825</p> | |
| <p>In all cases involving students and controlled substances, the need to protect the school community from undue harm and</p> | | |

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exposure to drugs shall be recognized. No student may be admitted to a program that seeks to identify and/or rehabilitate the potential abuser without the intelligent, voluntary and informed consent of the student and parent/guardian.

Transfer Students

When the District receives a student who transfers from a public or private school during an expulsion period for an offense involving drugs or alcohol, the District may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.

The Administration shall request a certified copy of the student's disciplinary record from the school of last enrollment and shall delay the entrance of the student until such documentation is provided.

Upon finding that a newly enrolled student is presently expelled from any private or public school for an act or offense involving drugs or alcohol, the Administration shall assign the student to an assignment other than what would have been his/her "regular" educational assignment, or provide alternative education services. Under no circumstances may the alternative assignment exceed the period of expulsion imposed by the private school or other public school. Written notice of the alternative assignment or the alternative education services shall be provided to the parent/guardian of the student within a reasonable time period. The Administration shall advise the student and his/her parents that he/she shall not be permitted to participate in the regular educational programs of the Keystone Oaks School District (including its extracurricular programs) until the remainder of the period of the suspension has elapsed. During the remainder of the period of suspension, however, the student shall be provided the opportunity to make up any schoolwork assigned by Keystone Oaks personnel during the remainder of the period of the suspension.

Upon finding that a newly enrolled student is presently expelled from any private or public school for an offense other than a drug or alcohol offense, the Administration shall advise the Board of School Directors. The decision of whether to require

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the student to continue to serve the remainder of the expulsion by the other school entity shall be made by the Board of School Directors, or a duly designated Committee thereof, following a hearing held solely for the purpose of determining the legitimacy of continuing the expulsion. At such a hearing, the expulsion shall be presumed to be a valid disciplinary action which may be rebutted by the student and/or his/her parents/guardians only by clear and convincing evidence.

1. At such a hearing, the prior determination of guilt by another school entity will be binding on the Board of School Directors and shall not be subject to questions. Parents are estopped from challenging the student's guilt.
2. The student shall be required to serve the remainder of the expulsion where the student's guilt is established (by prior record information from the former school entity) and the Keystone Oaks Board of School Directors (or a Committee thereof) determines that expulsion is the appropriate punishment.

Nothing set forth herein shall impact upon the rights, if any, of special needs students in this situation.

Anabolic Steroids

The Board prohibits the use of anabolic substance 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 enhancements of athletic abilities are not valid medical purposes. Human Growth Hormone (HGH) shall not be included as an anabolic steroid if prescribed for a valid medical use.

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.

35 P.S. Sec. 807.1

35 P.S. Sec. 807.2
Pol. 233

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The Board prohibits coaches, sponsors, and other representatives of the District from encouraging, supplying, promoting, or condoning the use of performance or body enhancing drugs (prescription and non-prescription) or supplements.

Reasonable Suspicion/Testing

If based on a student's behavior, medical symptoms, vital signs or other observable factors, the building principal has reasonable suspicion that a student is under the influence of a controlled substance, the principal is to alert the Superintendent. Based on the Superintendent's recommendation, 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.

Section 6

Prevention/Awareness

A major function of the school in a drug and alcohol related situation is to protect the health, safety, and well-being of its students and staff, with consideration being given to the overall process of education and the safeguarding of school property. Consideration must also be given to the legal rights and responsibilities of the students and parents/guardians, staff, and school administration.

Prevention efforts are to be directed toward the dissemination of information that increases the level of awareness of students and parents/guardians. Prevention also focuses on the implementation of developmental experiences which enhance the ability of students to make responsible decisions.

The District's instructional program will consist of a coordinated K-12 drug and alcohol curriculum which is a part of the planned course of study for health and which is in accordance with the state standards.

Counselors will reinforce the instructional program by providing group guidance programs to students. The focus of these programs at the prevention level will be to reinforce awareness and to develop good health practices, self-esteem, coping and decision making skills and conflict resolution skills.

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Intervention is required or warranted when a student is identified as a student at risk and/or the behavior of the student jeopardizes his/her health, safety, or welfare or that of other students or staff. In addition, intervention is mandated when a student is observed using alcohol or restricted drugs.

The Student Assistance Team functions as a unit to facilitate the identification, referral, and intervention processes. To assist the team, a drug and alcohol specialist from the base service units Alternative Drug/Alcohol Assessment Program is available to do a drug and alcohol student assessment within the schools. The specialist's assessment and recommendations are made available to the Team, student and student's family after requisite written permission is acquired.

Teachers, administrators, support staff, and parents/guardians initiate referrals to the Student Assistance Team as a result of observed changes in behavior, attendance and/or performance which may be drug or alcohol related. Referrals can also be initiated by peers, individual students and as a result of drug and alcohol policy violations. The Observable Behavior Checklist documents observable changes. Such documentation with additional data is necessary for the Team to begin its identification process and to develop intervention strategies. These strategies include, but are not limited to:

1. **In School Intervention Activities/Programs Implemented by School Personnel** – Activities promoting school spirit; assembly programs; extracurricular activities focusing on a drug and alcohol free environment; group guidance/health programs; parent/guardian seminars; special education services.
2. **Out of School Intervention Activities Directed by Community and/or Agency Personnel** – Informational services; parent/guardian seminars; recreational programs; resource networking; support groups.
3. **In School Counseling by School Personnel and Students** – Individual and group counseling/self-esteem, coping skills, social skills, goal setting, health practices, conflict resolution skills, and peer mediation.

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4. **Out of School Counseling by Drug and Alcohol/Mental Health Professionals** – Private referrals to Drug and Alcohol Mental Health counseling professionals for students and families.

The District’s professional staff operates under the concept of “in loco parentis.” The concept provides school personnel with certain rights and responsibilities similar to that of the parent/guardian. It permits administrators and staff to take action necessary to protect and educate each student on a day-to-day basis.

References:

School Code – 24 P.S. Sec. 510, 511, 1302.1A, 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 – 113.1, 218, 233, 825