

Drug (Controlled Substance) and Alcohol Policy

A. Purpose

The Octorara Area Board of School Directors recognizes the increased potential for alcohol use and controlled substance use and instructs the Superintendent to augment the educational program so that students know the physical and psychological dangers caused by alcohol and controlled substance use/abuse.

The policy, including its rules, regulations, and guidelines, is an effort by the Octorara Area School District to openly and effectively respond to the potential and current uses and abuses of alcohol and controlled substances by students. Through curriculum, the Student Assistance Program, community support and resources, strong and consistent administrative and faculty commitment, rehabilitative efforts, and disciplinary procedures OA-CTEP will work cooperatively with sending schools to educate, prevent, and intervene in the use and abuse of all alcohol and controlled substances by students.

The following rules, regulations, and guidelines shall be used by all school district personnel when situations involve students' unlawful use, abuse, sale, distribution and/or possession of alcohol and drugs, or drug paraphernalia.

B. Definitions

As used in this policy, the following words shall have the following meanings: **"Alcohol"** shall mean ethyl alcohol of any degree proof originally produced by distillation of any fermented liquid, whether rectified or diluted with or without water, whatever the origin thereof, and shall include synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

"Constructive Possession" shall mean a person's ability to exercise a conscious dominion over any alcohol or controlled substance, with or without other persons, including the power to control the alcohol or controlled substance and the intent to exercise that control.

"Controlled Substance" shall mean any drug, substance or immediate precursor listed under Schedules I through V of § 780-104 of "The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. § 780-101, et. seq. (Purdon Supp. 1987-88), or hereafter added to those Schedules by the Secretary of Health of the Commonwealth of Pennsylvania.

"Designer Drug" shall mean a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedules I or II of "The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. § 780-101. et seq., which produces an effect substantially similar to that of a controlled substance in those Schedules I and II.

"Distribution" shall mean to deliver, sell, pass, share, or give to another person, or to assist distribution of any alcohol or controlled substance.

“Drug Paraphernalia” shall mean all equipment, publications, products, and materials, of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body any controlled substance as defined in this policy.

“Possession” shall mean to knowingly possess, hold or use, without attempt to distribute, any alcohol or controlled substance.

“Student Assistance Program” shall mean a multi-disciplinary team that includes teachers, administrators, nurse and counselors. This team is trained to understand and work with adolescent chemical use, abuse and dependency. The team’s primary role is to identify, refer, and intervene when student chemical substance use, abuse, possession, and/or distribution is suspected. A student may be presumed to be “under the influence” of alcohol or controlled substances if they are observed exhibiting unusual or abnormal behavior which may include, but not be limited to: loss of coordination, slurring of speech, disorientation, pupil abnormality, inability to concentrate, lapse of memory, and mood changes.

C. Authorization

The District Superintendent or designee is authorized to deny access to Octorara Area Homeland Security & Protective Services Academy premises to any person who possesses or attempts to distribute, or is under the influence of alcohol or any controlled substance.

D. Possession

This policy is violated when any student, visitor, guest or any other person unlawfully manufactures, uses, abuses, possesses, constructively possesses, distributes or attempts to distribute alcohol, controlled substance, or any designer drug, or any drug paraphernalia on school premises or at any school sponsored activities anywhere, or while traveling to and from school, or who conspires, solicits, aids, or abets in the use, abuse, active possession, constructive possession or distribution of alcohol, any controlled substance, designer drug, or drug paraphernalia. Confidential communications between students and their guidance counselors, school nurses, school psychologists, home and school visitors and clerical employees working on their behalf, shall be treated as privileged communications as outlined in 42 Pa. C.S.A. § 5945.

E. Penalties

- **Possession, Use, Under the Influence of, or Distribution of Alcohol:**
 - **First Offense** - any student who possesses, constructively possesses, uses, or distributes alcohol, violating this policy shall:
 - Be suspended from school for a minimum of ten (10) school days; and
 - Obtain an alcohol and controlled substance assessment through a School District approved agency and provide written notification of the assessment and recommendations as a condition of re-admission to school after the suspension. Any student involved in an offense who refuses to obtain an alcohol and controlled substance assessment shall be

recommended for expulsion. Expulsion is excluded from school by the Board of School Directors for a period that exceeds thirty (30) school days and may be permanent; and

- Be referred to the local police or Pennsylvania State Police for prosecution under 18 pa. C.S.A. §6308.
- **Additional Offenses** - any student who violates this policy on possession, constructive possession, use, under the influence, or distribution of alcohol for a second or subsequent occasion during his/her school career in the Octorara Area School District:
 - Shall be recommended for expulsion by the Board of Directors; and
 - Be referred to the local police or the Pennsylvania State Police for prosecution under 18 Pa. C.S.A. §6308.
- **Possession, Use, Under the Influence of Controlled Substances, Designer Drugs, or Drug Paraphernalia.**
 - **First Offense** - any student who possesses, uses, is under the influence of, or constructively possesses, controlled substances, designer drugs or drug paraphernalia, violates this policy and shall:
 - Be suspended from school for a minimum of ten (10) school days; and
 - Obtain an alcohol and controlled substance assessment through a school district approved agency. Written notification of the assessment and recommendations must be presented as a condition of re-admission to school after the suspension. Any student involved in an offense who refuses to obtain an alcohol and controlled substance assessment shall be recommended for expulsion. Expulsion is excluded from school by the Board of School Directors for a period that exceeds thirty (30) school days and may be permanent; and
 - Be referred to the local police or Pennsylvania State Police for prosecution under 18 pa. C.S.A. §6308.
 - **Additional Offenses** - Any student who violates this policy on possession, use, or under the influence of controlled substances, designer drugs or drug paraphernalia, for a second or subsequent occasion during his/her school career in the Octorara Area School District:
 - Shall be recommended for expulsion by the Board of Directors; and
 - Shall be referred to the local police or Pennsylvania State Police for prosecution.
- **Possession with Intent to Distribute or Distribution of Controlled Substances, Designer Drugs or Drug Paraphernalia.**

Any student involved in the possession with intent to distribute, or the distribution of controlled substances, designer drugs, or drug paraphernalia, shall:

 - Be recommended for expulsion by the Board of School Directors, and
 - Be referred to the local police or Pennsylvania State Police for prosecution under 18 pa. C.S.A. §6308.

I. SMOKING

The possession and/or use of cigarettes and other tobacco products are prohibited in the school building/campus, on buses, and on school property (Act 16B of 1988). Smoking is discouraged in all schools, at all levels, through an educational program of instruction regarding the effect of the use of tobacco.

Violators of the student smoking policy are subject to the following disciplinary actions:

- Possession of cigarettes and/or other tobacco products:
 - **First offense** results in a one-day suspension.
 - **Second offense** results in an additional suspension.
- Use of cigarettes and/or other tobacco products:
 - **First offense** results in a one-day suspension.
 - **Second offense** results in an additional suspension.

Additionally, any use of cigarettes or other tobacco products shall be referred to a local law enforcement agency, which may result in a citation (**state law specifies \$75 fine**) being issued to the student. The length of the suspension for the above violations may be increased relative to the student's total disciplinary record.

II. PERSONAL PROPERTY

All students are expected to respect the rights and personal property of other students and staff members, as well as that of the school/campus. Items of value should not be brought to school. The school/campus cannot be responsible for items that are lost or stolen.

III. SEARCH AND SEIZURE

- A.** Students who cause reasonable suspicion that they possess illegal items will be searched for evidence. The degree of intrusiveness of the search will depend upon the suspected danger to the student, student body, staff or school.
- B.** Reasonable suspicion shall be based upon action, speech, expression and behavior or activities that indicate possession of something which school regulations forbid a student to bring upon school grounds or which the laws of the Commonwealth of Pennsylvania forbid him/her to have at any time or place.
- C.** Lockers, desks, cabinets, etc. are the property of the Chester County Public Safety Training Campus and are subject to search for illegal items at any time based upon reasonable suspicion.
- D.** School and Training Campus authorities may search the student's person and possessions upon reasonable suspicion that the student is displaying evidence of an illegal act. These searches include a search of student vehicles parked on school property. Such searches are a reasonable exercise of Board power in the interests of the health, welfare and safety of all school students. Materials, which are seized in this manner, may be used as evidence against the student in disciplinary proceedings. Searches are to be made only by an official duly authorized for that purpose by the principal.

- E.** Testing for the presence of alcohol using a Breathalyzer is also covered under this policy.
- F.** Students who refuse to be searched or checked for the presence of any prohibited items as described in this policy will be immediately suspended from school for up to ten days and may not return to school until after a parental conference is held.