

THE SCHOOL DISTRICT OF PHILADELPHIA

No. 227

Section: 200 PUPILS

Title: Controlled
Substances/Paraphernalia

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Revised: October 19, 2017

227

CONTROLLED SUBSTANCES/PARAPHERNALIA

Purpose

The School Reform Commission 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.

Definitions

For purposes of this policy, controlled substances shall include all:[1][2]

1. Controlled substances prohibited by federal and state laws.
2. Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids or other substances intended to enhance physical or athletic performance.
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 laws, such as but not limited to herbal incense or other products containing synthetic cannabinoids.

8. Prescription or nonprescription (over-the-counter) medications, except those for which permission for use in school has been granted pursuant to SRC policy.[3][4]

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 SRC prohibits students from using, possessing, distributing, and being under the influence of any controlled substances during school hours, at any time while on school-owned or leased property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.[5][6][7]

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 SRC policies. [8][9][10][11][12][13]

Off-Campus Activities

1. 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:[14]
2. 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.
3. 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.[15][16]
4. 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.
5. 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.

6. The conduct involves the theft or vandalism of school property.
7. 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.

Delegation of Responsibility

The Superintendent or designee shall develop administrative procedures to identify and control substance abuse in the schools which:

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.[14][17][18][19][20]
2. Disseminate to students, parents/guardians, and staff the **SRCBoard** policy and administrative procedures governing student abuse of controlled substances.
3. Discourage use of and 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.

The Superintendent, Office of School Safety, 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 SRC policies. [13][17][18][21][22][23]

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.[13][21][24]

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 .[13][18]

Guidelines

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.

Anabolic Steroids

The SRC 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.[25]

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.[20][26]

Legal References:

1. 35 P.S. 780-102
2. 21 U.S.C. 812
3. Pol. 210 - Use of Medications/Medical Technology
4. Pol. 210.1 - Possession/Use of Emergency Medications
5. 24 P.S. 510
6. 24 P.S. 511
7. 22 PA Code 12.3
8. 22 PA Code 10.23
9. 20 U.S.C. 1400 et seq
10. Pol. 103.1 - Nondiscrimination-Qualified Students With Disabilities/Protected Handicapped Students
11. Pol. 113.1 - Discipline of Students With Disabilities
12. Pol. 113.2 - Behavior Support
13. Pol. 805.1 - Relations With Law Enforcement Agencies
14. Pol. 218 - Student Conduct and Discipline
15. Pol. 122 - Extracurricular Activities
16. Pol. 123 - Interscholastic Athletics
17. 24 P.S. 1302.1-A
18. 24 P.S. 1303-A
19. 42 Pa. C.S.A. 8337
20. Pol. 233 - Suspension and Expulsion
21. 22 PA Code 10.2
22. 22 PA Code 10.21
23. 22 PA Code 10.22
24. 22 PA Code 10.25
25. 35 P.S. 807.1

26. 35 P.S. 807.2

Related Information:

24 P.S. 696

22 PA Code 403.1

35 P.S. 780-101 et seq

35 P.S. 807.1 et seq

20 U.S.C. 7114

20 U.S.C. 7161

21 U.S.C.801 et seq

34 CFR Part 300

Pol. 805 - Emergency Preparedness Philadelphia Home Rule Charter - 12-300