

No. 227-AR

ANTIETAM S. D.

DRUG AND ALCOHOL AWARENESS PROGRAM

The Antietam School Board of School Directors recognizes increased drug and alcohol use and instructs the district Superintendent to augment the educational program so that students know the physical and psychological dangers caused by drug and alcohol use/abuse.

The policy, including its rules, regulations, and guidelines, is an effort by the Antietam School District to openly and effectively respond to the potential and current uses and abuses of drugs, alcohol, and mood altering substances by students.

Through curriculum, the Student Assistance Program, district crisis counselor, community support and resources, strong and consistent administrative and faculty commitment, rehabilitative efforts, and disciplinary procedures, Antietam School District will strive to educate, prevent, and intervene in the use and abuse of all drugs, alcohol, and mood altering 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 drugs, alcohol, any mood altering substance, or paraphernalia.

Definitions

- A. Drug/Mood Altering Substance/Alcohol: alcohol, drugs, narcotics and/or other health endangering compounds which include but are not limited to: alcohol, alcoholic beverages, tranquilizers, amphetamines, synthetic opiates, marijuana, LSD and other hallucinogens, glue solvent - containing substances, "look-alike" drugs, and includes all controlled substances identified in the following laws:

Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 (Federal Law) The Controlled Substance Drug, Device and Cosmetic Act of April 14, 1972 (P.L. 223, No. 64 and Amendments.

- B. Look-alike drugs: substances manufactured or designed to resemble drugs, mood altering

substance, narcotics, or other health endangering compounds.

- C. Student Assistance Program: a multidisciplinary team that includes teachers, administrators, nurse, and counsel or(s). 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.
- D. Distribution: to deliver, sell, pass, share, or give to another person, or to assist distribution of any alcohol, drug, or mood altering illegal substance.
- E. Active Possession: to possess or hold without attempt to distribute, any alcohol, drug or mood altering illegal substance.
- F. Constructive Possession: is a person's knowing joint control and access with other persons to any alcohol, drug, or mood altering illegal substance.
- G. Cooperative Behavior: is the student's willingness to reasonably and helpfully work with staff and school personnel, and to comply with Student Assistance Program requests and recommendations.
- H. Uncooperative Behavior: is the student's resistance or refusal, either verbal, physical, or passive, to comply with reasonable school personnel requests or recommendations. Defiance, assault, deceit, and flight are examples of uncooperative student behavior. Uncooperative behavior includes refusal to comply with Student Assistance Program requests and recommendations.
- I. Drug Paraphernalia: Means all equipment, 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 a controlled substance in violation of this act. It includes, but is not limited to:
 - 1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of

plant which is a controlled substance or from which a controlled substance can be derived.

2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.
3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance.
4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances.
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances.
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
8. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injected controlled substances into the human body.
12. Objects used, intended for use or designed for use in ingesting, inhaling or

otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

- (i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls.
- (ii) Water pipes.
- (iii) Carburetion tubes and devices.
- (iv) Smoking and carburetion masks.
- (v) Roach clips; meaning objects used to hold burning material such as a marijuana cigarette, that has become too small or too short to be held in the hand.
- (vi) Miniature cocaine spoons and cocaine vials.
- (vii) Chamber pipes.
- (viii) Carburet or pipes.
- (ix) Electric pipes.
- (x) Air-driven pipes.
- (xi) Chillums.
- (xii) Bongs.
- (xiii) Ice pipes or chillers.

(13) Anything that is not obviously drug paraphernalia but is used as drug paraphernalia due to the way in which it is used in any given space or time.

J. Immediate precursor: means a substance which is designated as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance.

K. Manufacture: means the production, preparation, propagation, compounding, conversion, or processing of a

controlled substance, other drug or device or the packaging or repackaging of such substance or article, but does not include the activities of a practitioner who, as an incident to his/her administration or dispensing such substance or article in the course of his/her professional practice, prepares, compounds, packages or labels such substance or article. The term "manufacturer" means a person who manufactures a controlled substance, other drug or device.

L. Marijuana: consists of all forms, species and/or varieties of the genus *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin.

M. Narcotic: means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (i) opium, (ii) any opiate having an addiction-forming or addiction-sustaining capacity similar to morphine, but not including the isoquinoline alkaloids of opium, (iii) any compound, manufacture, sale, derivative, or preparation of opium or any opiate, and (iv) any substance, compound, manufacture, sale derivative, or preparation thereof, which is chemically identical with any of the substances referred to in (i), (ii), or (iii).

Authorization

The district Superintendent or designee is authorized to prevent any person from entering Antietam School District premises, who possesses or attempts to distribute, or is under the influence of drugs, alcohol, or mood altering substances.

The privileged confidentiality between student and district crisis counselor, guidance counselor(s) school nurses, psychologists, home and school visitors and other school employees shall be respected. Confidential communication made to school employees shall not be revealed without student or parent consent unless the student's best interests are served.

Policy Violation

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 drugs, alcohol, or any mood altering substances, or drug paraphernalia on school premises, or at any school sponsored activity anywhere, or while traveling to and from school or school related activities, or who conspires, aids, or abets the use, abuse, active possession, constructive possession, or distribution of drugs, alcohol, or any mood altering substances.

Searches

Student lockers are school district property. Student lockers will be searched by district building level administrators or law enforcement personnel at any time. School authorities may seize any illegal materials discovered.

Student searches must be justified at their inception by reasonable suspicion that policy or law has been violated or is being violated and that evidence of the violation will be disclosed by the search, and the search actually conducted must be reasonably related in scope to the circumstances which justified the search at its inception.

Annually, when locker assignments are given to students, they will receive written notice that school district administrators assert the right to conduct locker searches.

School district administrators are authorized, under circumstances justifying such a search as described above, to require students or other persons under the administrator's jurisdiction to submit to a thorough search of clothing, handbags, wallets, and lockers and to seize any unauthorized materials.

Students who do not cooperate with reasonable cause search shall be immediately suspended and subject to disciplinary action.

Penalties

FIRST OFFENSE

1. The principal will be immediately notified.
2. The principal and/or other personnel, who will explain the circumstances related to a possible policy violation, will meet with the student.
3. The principal or designee will promptly notify the student's parent(s) or guardian(s) concerning the incident and will seek additional information concerning the possible policy violation.
4. The student may be sent home or removed from the school to receive medical attention if required. When parent(s) or guardian(s) cannot be reached, the principal or other school authority will decide to obtain medical treatment for the student or to temporarily isolate the student.
5. The principal will notify the police for appropriate investigation and disposition.

(6) Exclusions from school:

- a.) Exclusions affecting certain exceptional students shall be governed by 22 Pa. Code SS13.62 and 341.91 (relating to right to education and disciplinary exclusions of certain handicapped students from special education placement).
- b.) Exclusion from school means suspension or expulsion.

(1) Suspension

Suspension is exclusion from school for 1 to 10 consecutive school days. Suspensions may be given by the principal or designee, at his/her complete and total discretion.

No student shall be suspended until the student has been informed of the reasons for the suspension and given an opportunity to respond.

Prior notice of the intended suspension need not be given when it is clear that the health, safety, or welfare of the school community is threatened.

The parents and the Superintendent of the district shall be notified immediately in writing when the student is suspended.

Prior to the expiration of 3 school days of suspension, the student and parent shall be given the opportunity for an informal hearing consistent with the hearing requirements, as contained in Sections 7 and 8 hereof.

Suspensions may not continue consecutively beyond 10 school days.

Students are responsible to make up exams and work missed while being disciplined by suspension. (per school student handbook)

(2) Expulsion

Expulsion is exclusion from school by the Board of Education for a period exceeding 10 school days. Expulsion may be permanent. All expulsions require a prior formal hearing conducted by the Board of School Directors, a panel thereof, or a designated hearing examiner.

During the period prior to the Board of School Directors' hearing and decision in an expulsion case, the student shall be placed in his/her normal class except when the student is suspended as previously herein mentioned.

After an informal hearing, if a student's presence in his/her normal class constitutes a threat to the health, safety, morals, or welfare of others and a formal hearing cannot be held within the suspension period, the student may be excluded from school for more than 10 school

days, if the formal hearing is not unreasonably delayed. Any student who is excluded under this provision shall receive alternative education which may include home study.

Students who are less than 17 years old are subject to compulsory school attendance laws even though expelled, and they must receive education services.

The initial responsibility of providing the required education rests with the student's parents or guardian, through placement in another school, through tutorial or correspondence study, or through another educational program approved by the district's Superintendent.

If parents or guardian cannot provide required education, they must submit written evidence to the school district within 30 days. The district then must provide the student's education, in some alternative fashion.

If 30 days pass without the district receiving satisfactory evidence that the required education is being provided to the student, the district must provide for the student's education or proceed as follows or do both:

If the approved educational program is not complied with, the school district may take action in accordance with Chapter 63 of the Juvenile Act (41 PA C.S. SS6301-6308), to ensure that the child receives a proper education.

(7) Formal Hearings

Education is a statutory right, and students must be afforded all due process elements if students are excluded from school. Possible student expulsion requires a formal hearing.

A formal hearing is required in all expulsion actions. This hearing may be held before the Board of School Directors, or a duly authorized committee of the Board, or a qualified hearing examiner appointed by the Board. When the hearing is conducted by a Board committee or a hearing examiner, a majority vote of the School Board is required to expel a student.

The following due process requirements will be observed for formal hearings:

Notification of the charges shall be sent to the student's parents or guardian by certified mail.

Sufficient notice of the time and place of the hearing must be given.

The hearing shall be held in private unless the student or parent requests a public hearing.

The student has the right to be represented by counsel.

The student has the right to be presented with names of witnesses against the student, and copies of the statements and affidavits of those witnesses.

The student has the right to request that any such witnesses appear in person and answer questions or be cross-examined.

The student has the right to testify and present witnesses on his/her own behalf.

A record must be kept of the hearing, either by a stenographer or by tape recorder. The student is entitled, at the student's expense, to a copy of the transcript.

The proceeding must be held with all reasonable speed.

Where the student disagrees with the results of the hearing, recourse is available by means of an appeal to the Court of Common Pleas. If it is alleged that a constitutional or federal statutory issue is involved, the student may file a claim for relief in the appropriate Federal district

court.

(8) Informal Hearings:

The informal hearing enables the student to meet with appropriate school officials to explain the circumstances surrounding the event for which the student is being suspended or to show why the student should not be suspended.

The informal hearing encourages the student's parents or guardian to meet with the principal to discuss how to avoid future offenses.

The following due process requirements will be observed for informal hearings:

Notification of the reasons for the suspension shall be given in writing to the parents or guardian and to the student.

Notification of the time and place of the informal hearing shall be given.

A student has the right to question any witnesses present at the hearing.

A student has the right to speak and produce witnesses on his own behalf.

The district shall offer to hold the informal hearing within the first 5 days of the suspension.

(9) Additional requirements

Any student who violates this policy will:

- (1) Participate in the school district approved compulsory substance abuse education program, which begins on the first day of out-of-school suspension, or may choose a similar type alternative program. Parents are responsible for all transportation arrangements, and costs if any.

AND

- (2) Attend a Student Intervention Group sponsored by the Antietam School District, with members comprised of the district student at risk team.

Parent(s) or guardian(s) may select similar type alternative programs for students to attend as specified in paragraph (1) above. However, parent(s) and guardian(s) must have the district Superintendent's written approval prior to any student's participation in an alternative program. Prior to receiving the Superintendent's written approval for a student to attend an alternative program, parent(s) or guardian(s) must give written permission to the Superintendent or designee to obtain all complete records when the student attends an alternative program. The district will not pay any expense incurred by the student, parent(s), or guardian(s) when the student participates in an alternative program.

Any student who chooses not to participate in the compulsory substance abuse education program and student assistance program will be suspended out-of-school for five (5) additional days and will not participate in or attend as a spectator any school related or school sponsored activity for an additional ten (10) school days. School related and/or school sponsored activities include but are not limited to clubs, musical groups, publications, athletics, and other activities such as National Honor Society, student council, and class activities (spirit week, homecoming, class trips, fundraisers, dances, proms, and commencement). Further the student must successfully complete the compulsory substance abuse education program, as scheduled by the district, or district approved alternative program and the Student Intervention Group Program.

If the student fails to participate in a compulsory abuse education program after the additional five (5) day substance suspension, s/he will be referred to the School Board for a possible expulsion hearing.

(10) Self-Referral

Any student who is self-referred, or who is voluntarily referred by anyone else and who seeks help with a chemical use/abuse and/or dependency, and who is not under the immediate influence of a chemical substance is not subject to this policy's provisions as outlined for FIRST OFFENSE violations.

Any student who voluntarily admits chemical use/abuse and/or dependency to any Antietam School District staff member will temporarily not participate in any school sponsored club, activity, or athletic team until professional assessment of the chemical dependency is complete. If the student is an athlete, s/he will be reinstated as athletic participants when evaluation and their program indicate that they can safely and appropriately participate.

(11) Second and Ensuing Offenses

Any person who violates this policy a second time commits a second offense. All requirements, procedures, due process, and penalties that govern first offense under this policy will apply under the second and ensuing offenses. In addition, the following disciplinary action and requirements apply:

The student will be suspended 10 days out-of-school.

The student will obtain a drug and alcohol assessment and will comply with all assessment recommendations as a condition for readmission to school after the suspension or required rehabilitation. Any student who receives a second offense and who refuses to obtain a drug and alcohol assessment, or who obtains the assessment and does not comply with the assessment recommendations will be recommended for expulsion.

Note: Offenses are cumulative for example . .
 . a student can commit a first offense in
 9th grade and a second offense in 12th
 grade.

THE ADMINISTRATION AND STAFF MEMBERS
RESERVE THE RIGHT TO DETERMINE APPROPRIATE
CONSEQUENCES FOR OFFENSES NOT INCLUDED IN
THIS POLICY BUT DEEMED IMPROPER.

THE ADMINISTRATION AND STAFF MEMBERS
FURTHER RESERVE THE RIGHT TO INCORPORATE
ANY NEW RULES/GUIDELINES CONCERNING
CONTROLLED SUBSTANCE ABUSE IN THIS POLICY.