 **No. 223**

 **SECTION: PUPILS**

**TITLE: DRUG, ALCOHOL, AND MOOD-ALTERING SUBSTANCE POLICY**

**MEDICAL ACADEMY ADOPTED: 10/8/13**

**CHARTER SCHOOL REVISED:**

 223. DRUG, ALCOHOL, AND MOOD-ALTERING SUBSTANCE POLICY

This policy, including the rules, regulations, and guidelines, is a concerted effort by the Medical Academy Charter School to openly and effectively respond to any use or abuse of drugs, alcohol, and mood-altering substances by the members of our entire student population.

Through curriculum, the Student Assistance Program, the Guidance Counselor, community support and resources, a strong and consistent administrative and faculty effort, and rehabilitative and disciplinary procedures, the Medical Academy Charter School will work to educate, prevent, and intervene in the use and abuse of all drug, alcohol, and any mood-altering substances by the entire student population.

The following rules, regulations, and guidelines shall be used by all school personnel in situations involving a student's unlawful use, abuse, sale, distribution, and/or possession of drugs, alcohol, any mood-altering substances, or paraphernalia associated with the use of drugs, alcohol, and mood-altering substances.

**Definitions**

**Active Possession-** To possess or hold any alcohol, drug, or mood-altering substance.

**Breath Testing Device-** A chemical testing instrument that uses a sample of a person’s expired breath to determine the presence of alcohol in the person’s blood.

**Constructive Possession-** A person has constructive possession if the person knows the location and has the ability and intent to obtain control of an object. Knowledge and intent can be inferred from the totality of the facts. Proximity does not establish possession, but may be used to infer knowledge or intent. Possession may involve joint possession by two or more individuals.

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**Cooperative Behavior-** The student's willingness to reasonably and helpfully work with staff and school personnel, and to comply with Student Assistance Program requests and recommendations.

**Distribution-** To deliver, sell, pass, share, or give to another person, or to assist in distribution of any alcohol, drug, or mood altering substance; including actual, constructive, or attempted transfer from one person to another of any alcohol, drug, or mood-altering substance.

**Guidance Counselor-** A Masters level school counselor.

**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, anabolic steroids, "look alike" drugs, prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board Policy, and all controlled substances identified in the following or any other laws:

Public Law 91-513 Comprehensive Drug Abuse Prevention and Control Act of 1970 (Federal Law)

The Pennsylvania Controlled Substance Drug, Device and Cosmetic Act, Act of April 14, 1972 (P.L. 233, No. 64) as amended. 35 P.S. 780-101 et seq.

**Drug Paraphernalia-** Includes any equipment, utensil or item which in the administrator's judgment can be associated with the use of drugs, alcohol, or mood altering substances. Examples include but are not limited to roach clips, pipes and bowls, and includes all items as defined as drug paraphernalia in Section 102 of the Pennsylvania Controlled Substance Drug, Device and Cosmetic Act, 35 P.S. 780-102, as amended.

**Look-Alike Drugs-** Substances manufactured or designed to resemble - 1) drugs; 2) mood-altering substances; 3) narcotics; or 4) other health endangering compounds.

**Student Assistance Program-** A multidisciplinary team that includes teachers, administrators, and counselor. This team is trained to understand and work with adolescent drug/alcohol/mood-altering substance use, abuse, and dependency. The team's primary role is to identify, intervene, and refer for treatment any student who is suspected of engaging in drug/alcohol/mood-altering substance use, abuse, possession, and/or distribution.

**Uncooperative Behavior-** 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

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includes, but not by way of limitation, refusal to comply with Student Assistance Program requests and recommendations.

**Inspections and Searches**

Inspections and searches shall be conducted per Board Policy.

**Reasonable Suspicion Drug/Alcohol Testing**

If, based on the student’s behavior, medical symptoms, vital signs, or other observable factors, an administrator 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 bodily fluids or the administration of a breath test. Failure to submit to testing will be considered a violation of Board Policy.

Further, if an administrator has reasonable suspicion, they are authorized to require student attendees at school or school-sponsored events to submit to a breath test prior to admission or re-admission to a school or school-sponsored event.

**Violation of Policy**

This policy is violated when any student, visitor, guest or any other person unlawfully manufactures, uses, abuses, possesses, constructively possesses, is under the influence of, 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 utilizing transportation approved by the school, or who conspires, aids, or abets in the use, abuse, active possession, constructive possession, or distribution of drugs, alcohol, or any mood-altering substances. Student use of medications is permitted only in accordance with Board Policy–“ Use of Medications”.

**Discipline, Rehabilitation, and Punishment**

Any student who violates this policy shall be subject to the following disciplinary rehabilitative, and punitive actions. The Board reserves the right to use any other lawful measures deemed necessary to control and eliminate the use of drugs, alcohol, and other mood-altering substances even if the same is not provided for specifically in any rule or regulation enumerated herein.

I.Violation: A student possesses drug-related paraphernalia and/or a student possesses (actively

 or constructively), uses, or is under the influence of drugs, alcohol, or mood-altering

 substances.

A. *First Offense*

 1. An administrator shall immediately contact the student's parents and request that

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 they come to the school immediately.

 2. The administrator shall contact law enforcement authorities.

 3. The administrator shall conduct an investigation.

 4. If after the investigation the administrator determines the offense has been

 committed by the student, the administrator will:

 a. suspend the student for five (5) days;

 b. require that the student undergo an assessment by a licensed drug and alcohol

 facility and comply with the recommendations of that facility.

 5. Uncooperative behavior will lead to additional days of suspension.

B. *Subsequent Offense(s)*

 1. An administrator shall immediately contact the student's parents and request that

 they come to the administrator's office immediately.

 2. The administrator shall contact law enforcement authorities.

 3. The administrator shall conduct an investigation.

 4. If after the investigation the administrator determines the offense has been

 committed by the student, the building administrator will:

 a. suspend the student for seven (7) days;

 b. require that the student undergo a reassessment by a licensed drug and alcohol

 facility and comply with the recommendations of the facility;

 c. have the option of requesting a formal disciplinary hearing to be scheduled

 before the Board, in accordance with Section 1318 of the Pennsylvania School

 Code.

II. A student distributes a drug, alcohol, or mood-altering substance.

A. An administrator shall immediately contact the student's parents and request that they

 come to the building administrator's office immediately.

 B. The administrator shall contact law enforcement authorities.

 C. The administrator shall conduct an investigation.

D. If after the investigation the administrator determines the offense has been committed

 by the student, the administrator shall:

 1. suspend the student for five (5) days;

 2. have the option of requesting a formal disciplinary hearing to be scheduled before

 the Board, in accordance with Section 1318 of the Pennsylvania School Code.

References:

School Code 510

PA CodeTitle 22 Sec. 12.3, 12.12

PA Statute 42 P.S. 8337

Act 104 of 1989