



Book	Board of Trustees Policy
Section	800 Operations
Title	Controlled Substances Abuse Policy (SAP)
Code	832
Status	Active
Adopted	April 9, 2018
Last Revised	April 9, 2018
Last Reviewed	April 9, 2018

**Agora Cyber Charter School
1018 W 8th Ave
King of Prussia, PA 19406**

Board of Trustees Policy

**STUDENT ASSISTANCE PROGRAM (SAP) - CONTROLLED
SUBSTANCES (DRUG AND ALCOHOL) ABUSE POLICY**

The Agora Cyber Charter School ("Charter School") Board of Trustees ("Board") recognizes that the misuse of controlled substances, is a serious problem with legal, physical and social implications for the Charter School community. As an educational institution, the Charter School should strive to prevent the abuse of controlled substances, including drugs and alcohol, as defined by The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. Sec. 780-101, et. seq. (Purdon Supp. 1987-88), or hereafter added to those Schedules by the Secretary of Health of the Commonwealth of Pennsylvania.

The possession, use of, manufacture, distribution and/or condition of being under the influence of narcotic drugs, dangerous drugs and alcohol is defined by federal and state laws. Controlled substances and the possession of paraphernalia related to the use thereof on Charter School property, transportation, or at any Charter School sponsored function is prohibited.

Definitions

"Controlled Substance" shall mean any drug, substance or immediate precursor listed under Schedules I through V of Sec. 780-104 of " The Controlled Substance, Drug, Device and Cosmetic Act," 35 P.S. Sec. 780-101, et. seq. (Purdon Supp. 1987-88), or hereafter added to those Schedules by the Secretary of Health of the Commonwealth of Pennsylvania. More specifically, the following is a non-exhaustive list of examples of controlled substances, pursuant to this Act for purposes of this policy:

1. Controlled substances prohibited by federal and state law.
2. Counterfeit/Look-alike drugs.
3. Alcoholic beverages.
4. Anabolic steroids.
5. Drug devices/paraphernalia.

6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.
7. Prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy.
8. Designer Drugs.

"Alcohol" shall mean Absolute alcohol, ethyl alcohol, cane spirits, Cuban spirits, grain spirits, fruit spirits, high wines and other spirits by whatever name or designation given. (40 Pa Code §1.1). 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.

"Counterfeit" means a controlled substance, other drug, device or cosmetic which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed such substance and which thereby is falsely purported or represented to be the product of, or to have been distributed by a manufacturer, distributor, or dispenser.

"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. Sec. 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 equipment, products, publications, 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.

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, laps of memory, and mood changes. The Chief Executive Officer ("CEO") or his/her designee is authorized to deny access to Charter School premises to any person who possesses or attempts to distribute, or is under the influence of any controlled substance.

This policy is violated when any student, visitor, guest or any other person unlawfully manufactures, uses, is under the influence of, abuses, possesses, constructively possesses, distributes, or attempts to distribute alcohol, any controlled substance, or any designer drug, 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, 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. Sec. 5945. However, no such person shall be excused or prevented from complying with his/her Mandatory Reporter Duty pursuant to the PA Child Protective Services Law. (See Board of Trustees Mandatory Reporter Policy.)

The Board may require participation in drug counseling, rehabilitation, testing or other programs as a condition of student's reinstatement into the Charter School's educational, extracurricular, or athletic programs. This testing will be at the sole expense of the student's parent(s) and/or legal guardian(s).

The CEO shall prepare rules for the identification and control of abuse of controlled substances which shall: establish procedures dealing with students suspected of huffing, unlawful manufacture, possession, use, distribution, and/or sale of controlled substances in the district, on Charter School property, or at Charter School sponsored or sanctioned events, up to and including expulsion and referral for prosecution; discourage abuse of controlled substances; and establish procedures for the instruction and readmission to the Charter School of students convicted of offenses involving controlled substances. In addition, the CEO shall ensure that students are

made aware of this policy, and that students violating this policy are subjected to the Charter School's Code of Conduct. The prohibitions outlined in this policy shall be made a part of the Charter School's Code of Conduct and shall be distributed annually to students and parents.

Incidents of alleged violations by any person on Charter School property shall be reported to the Office of Safe Schools or other agency established for reporting purposes on the required form at least once each year. In all cases involving students and controlled substances, the need to protect the Charter School community from undue harm and exposure to controlled substances shall be recognized.

All desks, clothing, backpacks, gym bags, and other personal possessions, and lockers used by students shall be subject to inspection by Charter School authorities when reasonable suspicion exists of a violation of the Controlled Substances Act which is a violation of the Charter School's Code of Conduct.

Implementation of Policy

1. No medication may be administered to or by any student during a Charter School sponsored event without school approval of requisite documentation, including written request from parent/guardian, written orders from the prescribing health care provider, and completed self-administration documentation when applicable. All medication administration shall be in accordance with the applicable Board approved medication policy.
2. Students judged to be in need of immediate medical attention will be taken by a staff member to the School Nurse.
3. An administrator or teacher will accompany the student exhibiting a need for help to the School Nurse, or the School Nurse will be contacted to come to help the student. When the School Nurse is not available, the administration will be contacted.
4. If the student is in need of urgent attention, the student's parents will be contacted and medical action taken as indicated. If the parents cannot be reached, the family physician will be contacted.
5. If no one can be reached to obtain permission to take the necessary medical action, or if it is a true medical emergency and immediate treatment is necessary, staff will respond with emergency care, first aid or rescue as indicated, and the student will be transported to the hospital emergency ward, accompanied by the School Nurse and/or another Charter School representative. The CEO will be kept informed of the student's condition.
6. If urgent medical attention is not required, but a student is obviously ill, the student's parents will be notified, and requested to come to the Charter School, testing site, or site of school-sponsored function or activity.
7. It is the responsibility of each Charter School employee to notify the CEO of any students who appear to be in apparent need of immediate medical attention, or of students allegedly using, manufacturing, possessing, using, distributing, and/or selling controlled substances.
8. Charter School personnel and coaches shall not recommend, supply and/or dispense any drug, medication or food supplement. In order to minimize health and safety risks to student athletes, maintain ethical standards, and reduce liability risks, Charter School personnel and coaches shall never condone, permit, encourage, supply, recommend, and/or dispense any drug, medication, or food supplement recommended by the manufacturer for performance-enhancing purposes.
9. Parents are to be informed of the concern for a student who, on school property or at a school-sponsored event, has engaged in manufacture, possession, use, distribution, and/or sale of controlled substances. Evidence of same will be turned over to the police.
10. In furtherance of its attempts to prohibit and prevent sale, possession, transport, distribution and use of controlled substances by its students, the Board supports the establishment and maintenance of a Student Assistance Program ("SAP") and may require student's participation in drug counseling, rehabilitation, testing or other programs as a condition of reinstatement into the Charter School's educational, extracurricular, or athletic programs. This testing will be at the sole expense of the student's parent(s) and/or legal guardian(s). The SAP will:

- Identify students who are having problems because of controlled substance use or due to mental health problems.
- Intervene when appropriate either by personal contact or through support groups.
- Refer those students for appropriate help.

SAP is not a treatment program. It seeks to improve identification of students who exhibit forms of “at risk” behavior, such as suicidal intent, depression, controlled substance use and abuse. It also provides for intervention by making referrals to outside agencies.

11. Students Exhibiting Unusual Behavior, But Not in Need of Immediate Medical Attention

- Staff members will refer students exhibiting a pattern of unusual behavior to the principal including all information in writing regarding the referral. If, in the opinion of the principal, the unusual behavior could be alcohol or controlled substance related, s/he will notify the parents of the student.
- SAP team coordinator, social worker, school counselors, and/or nurses shall offer help and assistance to the students upon request and make students aware of agencies and other sources which may be helpful.
- Referral to SAP as set forth above.

Consequences of Controlled Substance Offense:

1. The CEO or designee shall be given immediate verbal notice of all drug violations. Such notice shall be followed before the end of the day with a written report setting forth the pertinent details of the incident. The CEO or designee, which may include a member of the SAP team, including such individuals as site administration, SAP coordinator, social worker, or designated personnel are required to notify police of all incidents in which students are apprehended for the possession, use, distribution, and/or sale of controlled substances on Charter School premises or at any Charter School sponsored event. Any physical evidence of violation of laws relating to drug use shall be turned over to police officials. The Charter School will ask the police to cooperate and produce the physical evidence at the hearing.
2. The CEO or designee is required to notify the local police of all incidents in which students are apprehended for the use, possession, transport, distribution, and/or sale of controlled substances on Charter School premises or at any Charter School sponsored event, activity or testing site or on school transport. Prior to turning over physical evidence to police, all evidence of abuse of a controlled substance shall be kept in a secure place by the Charter School personnel confiscating it with the following information recorded and kept with the evidence:
 - Date of confiscation;
 - Name of student from whom confiscated;
 - Name of Charter School personnel who confiscated and others present at time of search;
 - Type of controlled substance confiscated;
 - Amount of controlled substance confiscated;

The Charter School will ask the police to cooperate and produce the physical evidence at any Charter School disciplinary hearing held in accordance with the Charter School Code of Conduct.

3. A student determined to have used, possessed, transported, distributed, or sold controlled substances on Charter School premises or at any Charter School sponsored event, activity or testing site or on school transport shall be subject to the following disciplinary procedures:
 - a. The CEO will immediately implement an out-of-school suspension in accordance with the Student Code of Conduct.
 - b. The CEO may recommend expulsion to the Board, on a case-by-case basis in accordance with the Student Code of Conduct.
 - c. Participation in extracurricular activities by the offender will be prohibited at least during the period of suspension and potentially longer as evaluated by the CEO on a case by case basis.

d. The CEO shall take all steps necessary to comply with the Individual with Disabilities Education Act and its amendments and implementing state regulations for students with disabilities.

e. A Safe Schools Act report will be made by the CEO.

Visitors, Employees, Contractors and Volunteers

Any visitors, employees, contractors or volunteers found to be engaged in activity while on Charter School property which, if engaged in by students would be a violation of the above policy, shall be reported to the local police or to the Pennsylvania State Police. Additionally, all such persons on Charter School property, transport or at a school sponsored event/activity or testing site, shall be reported to the Office of Safe Schools or other agency established for reporting purposes on the required form at least once each year. (See Employee Controlled Substance Policy for identification, reporting and discipline of Charter School Employees).

TO THE EXTENT THAT ANYTHING IN THIS POLICY COULD BE CONSTRUED TO CONFLICT WITH THE SCHOOL'S CHARTER OR APPLICABLE STATE AND/OR FEDERAL LAWS, THE APPLICABLE STATE AND/OR FEDERAL LAWS AND/OR CHARTER CONTROL