

## **SAFE SCHOOLS POLICY – LACKAWANNA COUNTY**

***Preface:*** In accordance with the Memorandum of Understanding previously signed by the School District and local law enforcement agencies, the District may request the assistance of law enforcement officials at any time in the implementation of District policy. The District will notify law enforcement officials of any violation of this policy as noted below.

***Statement of Policy:*** The School District recognizes that the twin problems of in-school violence and drug abuse may threaten the safety and education of every student in this School District. The District's over-riding policy is to provide every student with a safe place for learning. Any weapons on school property, or threats of violence by or against students, take away from every student the sense of safety which is necessary for effective learning. Likewise, the presence of illegal drugs and paraphernalia poisons the clean atmosphere which is necessary for our students to do their best.

The School District wishes to establish and maintain conditions which will deter students from using school facilities, grounds, and activities as a center for any manner of drug or alcohol abuse. Likewise, the School District wishes to maintain the safest possible facilities, free from weapons, violence, or the threat of violence. Although the district will make every effort to develop and implement programs aimed at prevention, decisive corrective actions will be taken when necessary.

The School District publicly acknowledges and accepts its leadership responsibility in addressing and opposing the epidemic of dysfunctional or self-destructive behaviors which block growth and inhibit learning. The District further acknowledges the establishment of prevention programs and services within the School District that will formally establish our commitment to the prevention of teen-age suicide. Through curriculum, classroom activities, community support and resources, Student Assistance Programs, and strong and consistent administrative and faculty effort, the School District will work to educate, prevent, and intervene in the use and abuse of all drugs, alcohol, and mood altering substances by the entire student population. The School District pledges cooperation with all law enforcement agencies to keep our schools safe from weapons, violence, or the threat of violence.

The primary purpose for any action on the part of the school staff is the protection of the health, safety and welfare of students, staff and school property.

### ***Definitions:***

***Contraband:*** any controlled substance, drug, inhalant, cosmetic, weapon, or any other object deemed prohibited by the school, which is possessed by any person not entitled to possess that item.

***Distribution:*** actual or attempted transfer from one person to another of a controlled substance or other drug. Distribution includes the delivering, selling, passing, sharing, or giving any drug from one person to another.

***Drug/Mood Altering Substance/Alcohol:*** Any alcohol or malt beverage, any drug listed in Controlled Substance Drug Device and Cosmetic Act, as amended, as a controlled substance, chemical, abused substance or medication for which a prescription is required under the law and/or any substance which is intended to alter the mood. Examples of the above include but are not limited to beer, wine, liquor, cocaine, crack cocaine, heroin, hallucinogens (LSD, mushrooms), marijuana, anabolic steroids, hashish, chemical solvents, inhalants, glue, counterfeit

substances, and any capsules or pills not registered with the school nurse, annotated within the student's health record and given in accordance with the school district's policy for the administration of medication to students in school.

**Counterfeit substances** are any substances which, in their overall finished appearance, are substantially similar in size, shape, color, marking, or packaging to a specific controlled substance.

**Drug Paraphernalia**: All equipment, products and material of any kind which are used, intended for use, or designed for use in manufacturing, converting, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes any utensil or item that, in the school's judgment, can be associated with the use of drugs, alcohol or mood altering substance. Examples include, but are not limited to, roach clips, pipe bowls, cigarette-rolling papers, etc.

**Furnishing**: Supplying, giving providing, or allowing possession of an item on school property or on any location under the jurisdiction and control of the school district.

**Jurisdiction and Control of the School District**: School buses, school grounds, and the site of any athletic, social, educational or any other function sponsored in full or in part by the school, whether or not held on school property.

**Manufacture**: production, preparation, propagation, compounding, conversion, or processing of a controlled substance, other drug or the packaging or repackaging of such substance or article, or the labeling or re-labeling of the commercial container of such substance or article.

**Notification:**

**Parental notification**: Includes, at a minimum, immediate personal contact by the principal or his/her designee of the parent (s) or guardian. At the discretion of school officials, parental notification need not precede nor supersede investigative actions. (Contact by U.S. mail is generally insufficient to constitute parental notification, but may be required because of extenuating circumstances.)

**Law Enforcement Notification**: Includes the immediate contact by the principal or his/her designee of the local police department(s) for the town in which the school is located or in which the off-campus incident occurs. If the police department can not be contacted or can not respond, the principal shall immediately contact the Lackawanna County District Attorney's Office.

**Personal Property**: Items that are in the actual or constructive possession of people enrolled in or employed by the school district. Personal property includes, but is not limited to, all backpacks, book bags, gym bags, purses, clothing or any other items that are used for the purpose of storing or transporting personal property.

**Plain view**: The observance of any item which can be seen by a school official while on school property or any property under the jurisdiction and control of the school district. As an example, any item seen in an open locker by a teacher standing in a common area, such as a hallway, is in plain view.

**Possession**: holding, without any attempt to distribute, any alcohol, drug, or mood altering substance determined to be illegal or as defined by this policy.

**Probable Cause:** Specific articulate facts and circumstances that would lead a reasonable person to believe that the item sought is at a particular location and will be found if that area is searched.

**School Official:** A school employee or any person authorized by the School District to act under these provisions.

**Reasonable suspicion:** A belief, based on articulate circumstances, that a violation of the law or of school rules has occurred, and that a search will turn up evidence of that violation.

**School property:** Building facilities and grounds, school campus, school parking areas, and any facility being used for a school function or school sponsored trip. **All lockers shall remain the property of the school district and may be entered at any time by District officials.**

**Weapon:** any item used to injure another person or to destroy property. Weapons include, but are not limited to, knives, cutting instruments, nun-chuck sticks, mace, firearms (handguns, rifles, shotguns, etc.), and BB/pellet guns. Weapons may also include counterfeit or replicas, whether or not they are operable.

### **Prohibited Conduct**

The following acts and/or the causing thereof by a student or employee of the School District while on school property or while under the jurisdiction and control of the school district or its authorities are hereby prohibited:

1. The possession of any weapon, as defined in Section III above, by a student on school property or at a school-sponsored event.
2. The threat of violence, by or against any student on school property or at a school sponsored event. This prohibition includes situations where either the threat of the threatened violent act occurs at school or at a school-sponsored event.
3. Any act of violence by or against any student on school property or at a school-sponsored event.
4. Being under the influence, or having consumed, injected, or ingested any controlled substance, alcohol, non-controlled substance, marijuana, including prescription drugs not registered with the school nurse as required in Section VI.
5. The manufacture, sale or delivery, holding, offering for sale, soliciting to possess, or possession of alcohol, marijuana, any controlled substance, or other drug, including a prescription drug.
6. The use or possession of drug paraphernalia for the purpose of manufacturing, packing, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.
7. The manufacture, sale, or delivery, holding offering for sale, or possession of a non-controlled substance that has a stimulant or depressant effect on humans, other than a prescription drug, which, or the label or container of which, substantially resembles specific controlled substance.
8. The sale or delivery, holding, offering for sale, or possession of non-controlled substance upon the express or implied representation that the substance is a controlled substance; or upon the express or implied representation that the recipient, in turn will be able to distribute or sell the substance as a controlled substance.

- A. Suspected or possible violations of the above stated conduct will have consequences as set forth in Section V.

**Consequences of Prohibited Conduct**

A. Any student found by the principal or his/her designee to be in violation of the policy set forth herein shall be subject to the following guidelines.

B. Situation Guidelines

**1. The possession of a weapon by a student on school property or at a school-sponsored event is suspected based upon uncorroborated information from reliable sources, but there is no direct observation by a school official of a violation of the law or of school regulations.**

a. Immediate action: School officials investigate information to confirm the presence of a weapon. No steps will be taken which could or will endanger either the suspected student or other students in the area.

b. Investigation: At the discretion of the senior school official present. School officials may request law enforcement assistance.

c. Parental Notification: Parents of the suspected student will be notified. Investigation will not be delayed pending parental notification.

d. Law Enforcement Notification: Not required. Law enforcement officials may be notified and their assistance requested by the senior school official present based upon the credibility and seriousness of the threat.

e. Consequences: At the discretion of school officials.

**1. School officials confirm the presence of a weapon on school property or at a school sponsored event.**

a. Immediate action: School officials will take immediate action to isolate and protect students from the weapon. School officials will remove all students and staff to a position of safety away from the weapon. If the weapon is in the possession of a student or other person, school officials will attempt to isolate that student or person from the rest of the student body and staff. The safety of all students and staff is paramount. **School officials must request assistance from local law enforcement authorities immediately.** On arrival at the scene, law enforcement officials will immediately take control to the extent necessary to protect students and staff.

b. Investigation: School officials will request immediate assistance from local law enforcement officials to investigate the weapon and the threat posed.

c. Parental Notification: If the weapon is located in the possession of a student, that student's parents will be notified immediately. No actions designed to assure the safety of the student body will be delayed pending parental notification.

d. Law Enforcement Notification: **Immediate**

- e. Consequences: At the discretion of school officials except where investigation reveals a violation of the law.
2. **A threat of violence is made, in writing or verbally, by or against any student while on school property or at a school-sponsored event.**
- a. Immediate action: The senior school official present will isolate the person issuing the threat from the rest of the student body, particularly the object of the threat.
- b. Investigation: The senior school official present will investigate the nature and seriousness of the threat. School officials may call upon local law enforcement officials for assistance in the investigation.
- c. Parental notification: School officials will immediately notify the parents of any student issuing a threat against anyone on school property or at a school-sponsored event. No protective or investigative action will be delayed pending parental notification.
- d. Law Enforcement notification: At the discretion of the senior school official present, depending upon the nature and seriousness of the threat.
- e. Consequences: At the discretion of school officials, except where investigation reveals a violation of the law.
3. **A weapon is used by or against a student while on school property or at a school-sponsored event.**
- a. Immediate action: The senior school official present will take immediate steps to protect all students and staff by isolating them from the weapon and the violent offender. **School officials will notify law enforcement officials immediately.** For the safety of all involved, law enforcement officials will take control of the scene immediately upon arrival.
- b. Investigation: The use of a weapon is a violation of the laws of the Commonwealth as well as of school policy. Therefore, all investigation will be directed and conducted by law enforcement officials with the cooperation of school officials.
- c. Parental Notification: School officials will immediately notify the parents of any student known to use a weapon on school property, as well as the parents of any student against whom a weapon is used. No protective or investigative action will be delayed pending parental notification.
- d. Law Enforcement Notification: **Immediate**
- e. Consequences: Academic consequences at the discretion of the School District. Potential legal consequences at the discretion of law enforcement.
4. **The possible use of drug/mood-altering substance/alcohol by a student is suspected based on corroborated information from reliable sources but there is no direct observation by a school official of violation of law or school regulation.**
- a. Immediate Action: The student is informed of available help and encouraged to seek assistance.

- b. Investigation: Referral to the Student Support Team.
  - c. Parental Notification: Parents will be notified. (At the discretion of school officials parental notification need not precede nor supersede investigative actions.)
  - d. Law Enforcement Notification: Not **Required**
  - e. Consequences: At the discretion of the Student Support Team
- 5. Based on direct observation by a school official, a student demonstrates symptoms of drug/mood altering substance/alcohol use such as staggering, slurred speech, dazed appearance, incoherence, inability to respond and/or odor of alcohol. If this situation occurs off the school property, see Section V.B.4 (below).**
- a. Immediate Action: The person detecting the activity will summon the school nurse and the Principal or his/her designee. If necessary, the student will be transported to a medical facility at parental expense.
  - b. Investigation: The Principal or his/her designee will investigate the incident. This may include a search of the student, his/her locker, and other personal property.
  - c. Parental Notification: Parents will be notified of the incident.
  - d. Law Enforcement Notification: Required.
  - e. Consequences: To be determined by school officials and local law enforcement officials.
- 6. A Student possesses drug-related paraphernalia or counterfeit drugs and/or indicates the intention to sell or distribute counterfeit drugs.**
- a. Immediate Action: The person detecting the activity will secure the item and summon the principal or his/her designee, who will confiscate the paraphernalia or substance.
  - b. Investigation: The Principal or his/her designee will search the student and his/her locker. The student's care and other personal property may be searched.
  - c. Parental Notification: Required
  - d. Law Enforcement Notification: Required
  - e. Consequences: To be determined by school officials and local law enforcement officials.
- 7. At a school-sponsored function, a school official observes a student demonstrating obvious symptoms of possible drug/mood altering substance/ alcohol use.**
- a. Immediate Action: The parent will be notified. Student will be detained until parent arrives or parent makes arrangements for student. If necessary, student will be transported to a medical facility at parental expense. The chaperone/advisor will notify the Principal or his/her designee.

- b. Investigation: The Principal or his/her designee will search the student and his/her locker. The student's car and other personal property may also be searched.
- c. Parental Notification: Required.
- d. Law Enforcement Notification: Required.
- e. Consequences: To be determined by school officials and local law enforcement officials.

**8. A student possesses, uses, or is under the influence of drugs/ mood altering substance/ alcohol.**

- a. Immediate Action: The person detecting the activity will summon the school nurse and the Principal or his/her designee.
- b. Investigation: The student, his/her locker and personal property will be searched by the Principal or his/her designee in the presence of the police.
- c. Parental Notification: Required
- d. Law Enforcement Notification: Required.
- e. Consequences: To be determined by school officials and local law enforcement officials.

**9. A student is distributing a drug or controlled substance or is furnishing alcohol on school property or in a location in the jurisdiction and control of the School District.**

- a. Immediate Action: The person detecting the activity will summon the Principal or his/her designee.
- b. Investigation: The student, his/her locker and personal property will be searched by the Principal or his/her designee in the presence of the police.
- c. Parental Notification: Required.
- d. Law Enforcement Notification: Required.
- e. Consequences: To be determined by school officials and local law enforcement officials.

***B. Handling of confiscated weapons, drugs, drug paraphernalia, etc.***

All weapons, drugs, drug paraphernalia, and/or alcohol found or confiscated on School District property will be turned over to the Principal or his/her designee. In the case where an item is found location other than on school property, the item will be turned over directly to the Superintendent or his/her designee.

Confiscated material will be labeled with the following information: date and place found, person confiscating or finding the item. The item should then be turned over to the appropriate local law enforcement officials on the same day when possible. When immediate

turnover is not possible, the confiscated material will be stored in a secure location on school property.

