

DRUG AND ALCOHOL ABUSE

Students - Controlled Substances and Alcohol

The sale, use or possession of controlled substances, imitation controlled substances, alcoholic beverages, marijuana or its derivatives, prescription drugs or drug paraphernalia by students on school premises is prohibited. Medication prescribed by the student's physician must be kept in the nurse's office where it will be dispensed to the student (except that students who are asthmatic or have allergic reactions may self-administer medication so long as the conditions in Policy #5420, Section #5 are satisfied.)

Sale or Distribution

The sale or distribution of controlled substances, imitation controlled substances, alcoholic beverages, marijuana or its derivatives, prescription drugs, or drug paraphernalia on school premises by a student shall subject the offender to immediate suspension from school, pending a disciplinary hearing before the Superintendent which could result in a long-term suspension.

Possession with intent to sell or distribute

The possession of controlled substances, imitation controlled substances, alcoholic beverages, marijuana or its derivatives, prescription drugs or drug paraphernalia on school premises by a student with intent to sell or distribute shall subject the offender to immediate suspension from school pending a Superintendent's hearing which could result in a long-term suspension.

Use or Possession

The first offense for use, under the influence of, or possession of controlled substances, imitation controlled substances, alcoholic beverages, marijuana or its derivatives, prescription drugs (except when taken as directed by a physician) or drug paraphernalia by a student on school premises shall subject the offender to an immediate suspension from school for a five day period, counseling with the student assistance counselor will be recommended followed by a reinstatement conference with the student and parent(s). Subsequent offenses for use, under the influence of, or possession of controlled substances, imitation controlled substances, alcoholic beverages, prescription drugs (except when taken as directed by a physician), drug paraphernalia, marijuana or its derivatives, by a student on school premises shall subject the offender to immediate suspension from school, pending a disciplinary hearing before the Superintendent which could result in a long-term suspension.

**Cross-ref: 5300, Student Conduct and Discipline
5312.11, Drug Free Schools**

**Ref: Drug-Free Schools and Communities Act, 20 USC §§3171 et seq.
20 USC §114-5g
42USC §§5101, 11841
34 CFR Part 86
Education Law §§804; 912-a; 3214
General Municipal Law §239-u**

NORTH COLONIE**Mental Hygiene Law §19.07(c)****Penal Law §§220.00 et seq.****Public Health Law, Article 33****8 NYCRR §§100.2(c); 135.3*****New Jersey v. T.L.O.*, 469 U.S. 325 (1985)*****Odenheim v. Carlstadt-East Rutherford Region School District*, 211 N.J. Super. 54, 510 AD2d 709 (1985)*****People v. Scott D.*, 34 NY2d 483 (1974)*****Matter of Wilson*, 28 EDR 254 (1988)*****Matter of Pollnow*, 22 EDR 547 (1983)*****Matter of Vetter*, 20 EDR 547 (1981)*****Matter of Rodriguez*, 8 EDR 214 (1969)****Policy 5420 Health Services****Note: Prior Policy, 5131.9**

Policy Adopted: June 11, 1973

Amended: June 25, 1984

Amended: November 25, 1985

Amended: November 21, 1988

Amended: January 26, 1998

Amended: January 23, 2006

Amended: October 27, 2008