

DRUG ABUSE BY STUDENTS – File 10.8.7

“DRUGS OR DRUG PARAPHERNALIA: SALE, DISTRIBUTION, USE, IN THE PRESENCE OF, OR POSSESSION OF, ILLEGAL OR NON-PRESCRIBED DRUGS, OR DRUG PARAPHERNALIA: Forbidden on school premises, on the way to or on the way home from school, or at school-sponsored or school-related events, including athletic games. The School Official in charge shall have the authority to remove from contact with other students anyone suspected of being under the influence or in the presence of drugs, and thereupon shall immediately contact the parent or legal guardian. In addition, police may be notified and students may be placed in protective custody or arrested. A student may be suspended for the use or possession of illegal or non-prescribed drugs or drug paraphernalia, or substance purported to be a drug.

A student may be expelled by the Principal for possession of a controlled substance as defined in Chapter ninety-four C, including but not limited to marijuana, cocaine, or heroin, or a substance purported to be a controlled substance, M.G.L. CH 71, S37H (a) Appendix A.

Individuals with Disabilities Education Improvement Act of 2004 allows school personnel to remove a student with a disability to an interim alternative educational setting for up to 45 school days, if the student knowingly possesses or uses illegal drugs or sells or solicits the sale of the controlled substances at school, on school premises, at school functions, or on the way home from or on the way to school.

Any person convicted of the sale of illegal drugs while in any school building, or school property, or within one thousand feet (1,000 feet) of school grounds, shall be punished by a term of imprisonment in the state prison for not less than two and one-half nor more than fifteen years or by imprisonment in a jail or house of correction for not less than two nor more than two and one-half years. No sentence imposed under this act shall be less than a mandatory minimum term or imprisonment of two years. A fine of not less than \$1,000 nor more than \$10,000 may be imposed, but not in lieu of mandatory two-year term of imprisonment.

Revised: May 2009

M.G.L. Ch. 94C, all sections and amendment by M.G.L. Ch. 227, 1989

REFERENCES: APPENDIX A and C