

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1008 Session of
2007

INTRODUCED BY CAPPELLI, GEIST, GINGRICH, HERSHEY, JAMES,
KIRKLAND, KORTZ, MARSICO, PAYNE, PHILLIPS, PYLE, SCAVELLO,
YOUNGBLOOD AND YUDICHAK, APRIL 3, 2007

REFERRED TO COMMITTEE ON EDUCATION, APRIL 3, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for illegal drug and
6 substance testing and prevention and awareness program.

7 The General Assembly finds and declares that:

8 (1) Science-based tools and methods can be used to help
9 school entities effectively assess their facilities for the
10 consumption and trafficking of illegal drugs and substances.

11 (2) School-based assessment results permit school entity
12 administrators and boards of directors to employ a
13 combination of responses to address the prevention,
14 treatment, education and awareness of students regarding the
15 use of illegal drugs and substances and, if needed, actual
16 testing of students for illegal drugs or substances.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 Section 1. The act of March 10, 1949 (P.L.30, No.14), known

as the Public School Code of 1949, is amended by adding a section to read:

Section 1551. Illegal Drug and Substance Testing and Prevention and Awareness Program.--(a) Each board of directors of a school entity in this Commonwealth shall develop and implement a policy regarding testing of the school entity's physical facilities, its property and equipment and property stored on the school entity's property or in the school entity's facilities as follows:

(1) The testing shall be a science-based surface test that is proven to detect the presence of residues of illegal drugs and substances on surfaces.

(2) The school entity shall use positive testing results to develop a focused program of illegal drug and substance abuse prevention and awareness.

(3) The program of illegal drug and substance abuse prevention and awareness shall be proactive and directed to the students indicated in the testing results.

(4) The school entity shall inform parents of the testing results.

(b) Each board of directors of a school entity shall develop a statement of expectations for school behavior that includes prohibitions against attending a district school or school district-sponsored activities under the influence of an illegal drug or substance and the possession or use of illegal drugs or substances in district schools or at school district-sponsored activities, and the consequences for violating the expectations and prohibitions.

(c) Each board of directors of a school entity shall provide a program of drug and substance abuse prevention and awareness

1 as a part of its health, fitness and physical education
2 curriculum under 22 Pa. Code Ch. 4 (relating to academic
3 standards and assessment).

4 (d) Each board of directors of a school entity shall provide
5 for the adequate notice of the statement of expectations for
6 school behavior to students and parents or guardians through
7 dissemination of the written statement through the student
8 handbook, districtwide mailing or other method of notification.

9 (e) All policies and statements developed under this section
10 shall take effect no later than the beginning of the 2007-2008
11 school year.

12 (f) Definitions.--As used in this section, the following
13 words and phrases shall have the meanings given to them in this
14 subsection:

15 "Illegal drug and substance." Any drug or substance listed
16 in the act of April 14, 1972 (P.L.233, No.64), known as The
17 Controlled Substance, Drug, Device and Cosmetic Act.

18 "School district-sponsored activity." Any event under the
19 control, supervision or sponsorship of a school district using
20 district personnel, district facilities or district financial
21 resources.

22 Section 2. This act shall take effect July 1, 2007, or
23 immediately, whichever is later.