

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: February 8, 2005

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **BOARD OF EDUCATION POLICY 5540 – ALCOHOLIC BEVERAGES AND DRUGS**

ORIGINATOR: Christine M. Johns, Deputy Superintendent, Curriculum and Instruction

RESOURCE PERSON(S): Dale Rauenzahn, Executive Director, Student Support Services

RECOMMENDATION

That the Board of Education approve revisions to Policy 5540 – Alcoholic Beverages and Drugs. This is the third reading of this policy

Background Information: Policy 5540 – The proposed policy revisions would bring the language and current practice into alignment.

Attachment I – Proposed Policy 5540

Policy 5540

STUDENTS: Conduct

Alcoholic Beverages and Drugs

There is abundant evidence that the use of illegal drugs and intoxicants is disruptive to one's life and the lives of others. The Board of Education believes that the schools should deal with this problem through education and counseling as well as through disciplinary action. The Division of Educational Support Services is directed to continue its efforts to make students aware of the physical effects and the legal consequences of the use of illegal drugs and intoxicants. This may be accomplished through the curriculum and through individual counseling of students by teachers and pupil services personnel.

The possession, use, and distribution of alcoholic beverages, illegal drugs, or other intoxicants on school premises create a reasonable likelihood of disruption to or interference with the academic process and constitutes a substantial danger to persons and property. The possession, use, distribution, or conspiracy to distribute alcoholic beverages or illegal drugs in any quantity is prohibited on property owned by the Board of Education, on school buses, or at off-site school-sponsored activities. Any student who violates the provisions of this policy shall be **ASSIGNED TO AN ALTERNATIVE PROGRAM OR** expelled from the regular day-school program in accordance with the procedures outlined in the policy and rule, "Suspension or Expulsion," in this series.

The possession, use, or distribution of controlled paraphernalia as outlined in Article 27 of the Annotated Code of Maryland is prohibited on property owned by the Board of Education, on school buses, or at off-site school-sponsored activities.

The distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled dangerous substance as outlined in Article 27 of the Annotated Code of Maryland is prohibited on property owned by the Board of Education, on school buses, or at off-site school-sponsored activities. A non-controlled substance means any substance not classified as a controlled dangerous substance by State law or regulation.

Definitions

1. "Alcoholic beverages" means any spirituous, vinous, malt, distilled or fermented liquor, or compound by whatever name called which contains alcohol. Examples of alcoholic beverages include, but are not limited to, ale, beer, whiskey, rum, gin, or vodka.

2. “Illegal drugs” means marijuana, hashish, PCP (phencyclidine), methaqualone (quaalude), mescaline, peyote, methadone, opium, heroin, morphine, cocaine, LSD (lysergic acid diethylamide), amphetamines, barbiturates, anabolic steroids, and any other drug or substance, the use, possession, or distribution of which is prohibited by Federal or State law or causes intoxication.
3. “Drug paraphernalia” as defined under Article 27, Section 287A (a) means all equipment, products, 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 a controlled dangerous substance in violation of this subheading.
4. “Other intoxicants” means any compound or substance which causes a loss of self-control or inebriation and which shall include glue and solvents.
5. “Possession” means the exercise of actual or constructive control over a thing by one or more persons. Small quantities are sufficient to determine possession. For example, a pipe with residue constitutes possession.
6. “Use” means the actual implementation, consumption, injection, or ingestion of illegal drugs, alcoholic beverages, or other intoxicants as defined.

The provisions of this policy apply in all situations in which students are involved, including: (1) school activities on property owned by the Board of Education; (2) travel on school buses; (3) off-site school-sponsored activities’ and (4) on- or off-site school related programs which are the result or cause of disruptive behavior on school grounds.

POLICY 5540

Legal Reference: [Annotated Code of Maryland, Education Article #26-103
Drinking or possessing intoxicating beverages on school
premises.
State Board of Education Bylaw
13A.08.01.04A Intoxicants
Ann. Code of Pub. Gen. Laws of Md. Art. 27
#276 et seq. Controlled dangerous substances.
United States Code, Title 21, Chapter 13
#801 et seq. Drug Abuse Prevention and Control]
Annotated Code of Maryland, Education Article, §26-103
Annotated Code of Maryland, Criminal Law, §§ 5-101, et seq.
COMAR 13A.08.01.08
21 U.S.C.A. §801, et seq.

Policy
Adopted: 8/11/77
Revised: 7/13/78
Revised: 7/9/81
Revised: 6/24/82
Revised: 7/1/92
Revised: 12/21/99
REVISED: _____

Board of Education of Baltimore County