

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** July 10, 2007

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **REPORT ON PROPOSED CHANGES TO BOARD OF  
EDUCATION POLICY 5540 – STUDENTS: CONDUCT-  
ALCOHOLIC BEVERAGES AND DRUGS**

**ORIGINATOR:** Dr. Sonia Diaz, Chief Academic Officer

**RESOURCE** Hays B. Lantz, Assistance Superintendent, STEM  
**PERSON(S):** Dale R. Rauenzahn, Executive Director, Student Support Services  
Patsy Holmes, Director, Student Support Services

**RECOMMENDATION**

That the Board of Education considers the proposed changes to Policy 5540. This is the first reading of the policy.

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Attachment I: Policy Analysis 5540  
Attachment II: Policy 5540

**BOARD OF EDUCATION OF BALTIMORE COUNTY**  
**POLICY ANALYSIS - Revisions to Board of Education Policy 5540**  
**STUDENTS: Conduct**  
**Alcoholic Beverages and Drugs**

Statement of issues or questions to be addressed by the proposed policy

The Department of Student Support Services is in the process of reviewing policies in the 5000 Series. The department is recommending major revisions to the policy to focus on positive behavior and interventions designed to teach students' discipline and appropriate behaviors in school. This revised policy will align with current practices of the Board of Education concerning student behavior. More importantly, the policy reflects the Board's commitment to review its policies, to the best of its ability, on a five year cycle.

Fiscal Impact on the school system

No fiscal impact is anticipated or contemplated by this revision.

Relationship to other Board of Education Policies

This policy addresses the need for positive behavior in school to maintain safe and orderly learning environments for all students.

Legal requirements, such as federal, state or local laws or regulations

Md. Ed. Art. § 7-1101 provides that "Behavior intervention plan" mean a proactive plan designed to address problem behavior exhibited by a student in the educational setting through the use of positive behavioral interventions, strategies, and supports."

Similar Policies adopted by other school systems

HARFORD COUNTY BOARD OF EDUCATION

Policy Number 0022-000, *Student Behavior Intervention*

<http://www.hcps.org/BOE/PoliciesProcedures/docs/students.pdf>

HOWARD COUNTY BOARD OF EDUCATION

Policy Number 9200-3431, *Students Behavior*

<http://www.hepss.org/board/policies/9000.pdf>

A draft of the proposed policy

See attached

Other alternatives that were considered by the Board members

The Department of Student Support Services did not consider other alternatives.

## 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] DEPARTMENT OF STUDENT 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 Title 5 of the Criminal Law Article 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 Title 5 of the Criminal Law Article 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 Section 5-101 (o) of the Criminal Law Article 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 References: *Annotated Code of Maryland*, Education Article, §26-103  
*Annotated Code of Maryland*, Criminal Law Article §5-101,  
et seq.  
COMAR 13A.08.01.08  
21 U.S.C.A. §801, et seq.

Policy

Board of Education of Baltimore County

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: 02/08/05  
REVISED: