

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: October 23, 2012

TO: **BOARD OF EDUCATION**

FROM: S. Dallas Dance, Superintendent

SUBJECT: **REPORT ON PROPOSED CHANGES TO BOARD OF EDUCATION POLICY 5540, ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, INTOXICANTS, PRESCRIPTION, AND NONPRESCRIPTION DRUGS**

ORIGINATOR: Kevin A. Hobbs, Deputy Superintendent

RESOURCE PERSON(S): Dale Rauenzahn, Executive Director, Safety and Security

RECOMMENDATION

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

Attachment I – Policy Analysis
Attachment II – Policy 5540

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5540
ALCOHOLIC BEVERAGES AND DRUGS
RENAMED AS, “ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES,
INTOXICANTS, PRESCRIPTION AND NONPRESCRIPTION DRUGS”**

Statement of Issues or Questions Addressed

In accordance with Board of Education Policy and Superintendent’s Rule 8130, Policy 5540 is scheduled for review in school year 2012-2013. Policy 5540 outlines the Board’s prohibition of the use and possession of alcoholic beverages, controlled dangerous substances, intoxicants, and prescription and nonprescription drugs on school property and during school-sponsored activities. Staff is recommending that the policy be revised to: (1) include a policy statement that outlines the Board’s commitment to promoting a drug-free environment and responsibility for educating students on the effects and consequences of the use of illegal drugs and intoxicants; (2) align definitions with current law; (3) include prohibition of possession and use of prescription and nonprescription medications; and (4) conform with the Policy Review Committee’s editing conventions.

Cost Analysis and Fiscal Impact on School System

Maryland law provides that a county board may adopt regulations requiring posting of signs designating the areas within 1,000 feet of public schools as “drug free school zones.” If the policy is revised to include *Drug-Free School Zones*, there will be a cost to the school system to ensure that each school site is provided the appropriate signage. Staff estimates fiscal impact in the amount of \$1,400.

Relationship to Other Board of Education Policies

1. Board of Education Policy 5330, *Social Events*
2. Board of Education Policy 5460, *Searches*
3. Board of Education Policy 5550, *Disruptive Behavior*
4. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsions*
5. Board of Education Policy 5600, *Students’ Rights and Responsibilities*
6. Board of Education Policy 6700, *Extracurricular Activities*
7. Board of Education Policy 6800, *Field Trips and Foreign Travel*

Legal Requirements

1. 20 U.S.C. §7101, *et seq.*, *Safe and Drug-Free Schools and Communities Act*
2. 21 U.S.C. §860, *Distribution or manufacturing in or near schools and colleges*
3. *Annotated Code of Maryland*, Criminal Law Article §5-101, *et seq.*, *Controlled Dangerous Substances, Prescriptions, and Other Substances*
4. *Annotated Code of Maryland*, Criminal Law Article §5-627, *Controlled dangerous substance near school*
5. *Annotated Code of Maryland*, Education Article §4-124, *Designation of drug free school zones*
6. *Annotated Code of Maryland*, Education Article §7-305, *Suspension and Expulsion*

7. *Annotated Code of Maryland, Education Article §7-308, Searches of Students and Schools*
8. *Annotated Code of Maryland, Education Article §7-411, Drug Education Program*
9. *Annotated Code of Maryland, Education Article §7-412, Preservation of Rights of Student Seeking to Overcome Drug Abuse*
10. *Annotated Code of Maryland, Education Article §7-413, Alcohol Abuse Program*
11. *Annotated Code of Maryland, Education Article §26-103, Drinking or Possessing Intoxicating Beverages on School Premises.*
12. *COMAR 10.27.11.05, Nursing Functions*
13. *COMAR 13A.05.05.08, School Health Standards – for all Students with Special Health Needs*
14. *COMAR 13A.08.01.08, Substance Use or Distribution*
15. *COMAR 13A.08.01.11, Disciplinary Action*
16. *COMAR 13A.08.01.14, Searches*
17. *COMAR 13A.08.01.15, Reporting Delinquent Acts*

Similar Policies Adopted by Other Local School Systems

1. Harford County Board of Education, Policy 02-0013-000, *Student Possession Use, or Transference of Controlled Dangerous Substances, Medicines, and Alcohol*
2. Howard County Board of Education, Policy 9230, *Alcohol, Other Drugs, Prescription Medication and Over the Counter Products*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered by staff.

Timeline

First reading – October 23, 2012

Public comment – November 7, 2012

Third reading/vote – December 4, 2012

STUDENTS: Conduct

ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, INTOXICANTS, PRESCRIPTION AND NONPRESCRIPTION DRUGS [Alcoholic Beverages and Drugs]

I. POLICY STATEMENT

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROMOTING AND PROVIDING AN ALCOHOL-FREE AND A DRUG-FREE ENVIRONMENT FOR ALL STUDENTS AND PROVIDING APPROPRIATE SAFEGUARDS FOR THE ADMINISTRATION OF PRESCRIPTION MEDICATIONS AND NONPRESCRIPTION DRUGS. THE BOARD FURTHER BELIEVES THAT COLLABORATION WITH PARENTS AND THE COMMUNITY IS ESSENTIAL IN ITS EFFORTS TO DETER STUDENT USE OF ALCOHOL AND OTHER DRUGS.

- B. THE BOARD BELIEVES THAT BALTIMORE COUNTY PUBLIC SCHOOLS (BCPS) HAS THE RESPONSIBILITY TO EDUCATE STUDENTS ON THE PHYSICAL EFFECTS AND LEGAL CONSEQUENCES OF THE USE OF ILLEGAL DRUGS AND INTOXICANTS.

II. DEFINITIONS

AS USED IN THIS POLICY AND ACCOMPANYING RULE, THE FOLLOWING DEFINITIONS SHALL APPLY.

- A. *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.

- B. *CONTROLLED DANGEROUS SUBSTANCES* AS DEFINED UNDER SECTION 5-101 OF THE CRIMINAL LAW ARTICLE MEANS A DRUG OR SUBSTANCE LISTED IN SCHEDULE I THROUGH SCHEDULE V; OR AN IMMEDIATE PRECURSOR TO A DRUG OR SUBSTANCE LISTED IN SCHEDULE I THROUGH SCHEDULE V. EXAMPLES INCLUDE, BUT ARE NOT LIMITED TO: 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 THAT CAUSES INTOXICATION.

- C. *DISTRIBUTION MEANS* THE ACTUAL OR INTENDED SALE, TRANSFER, TRADE, GIVING OR EXCHANGE IN ANY MANNER OF ALCOHOL, OTHER DRUGS, PRESCRIPTION OR NONPRESCRIPTION DRUGS BY A STUDENT TO ANY PERSON WHETHER OR NOT A STUDENT, WHEN SUCH DISTRIBUTION TAKES PLACE IN A SETTING IN WHICH STUDENTS ARE RESPONSIBLE TO SCHOOL AUTHORITY AND/OR SUPERVISION. INCLUDES INTENT TO DISTRIBUTE.
- D. *DRUG-FREE SCHOOL ZONE* MEANS THE AREA WITHIN 1,000 FEET OF THE REAL PROPERTY OF A BALTIMORE COUNTY PUBLIC ELEMENTARY AND SECONDARY SCHOOL.
- E. *DRUG PARAPHERNALIA* AS DEFINED UNDER SECTION 5-101 OF THE CRIMINAL LAW ARTICLE MEANS EQUIPMENT, A PRODUCT, OR MATERIAL THAT IS 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 OR CONCEALING A CONTROLLED DANGEROUS SUBSTANCE; OR INJECTING, INGESTING, INHALING, OR OTHERWISE INTRODUCING INTO THE HUMAN BODY A CONTROLLED DANGEROUS SUBSTANCE.
- F. *INTOXICANTS* MEAN ANY COMPOUND OR SUBSTANCE WHICH CAUSES A LOSS OF SELF-CONTROL OR INEBRIATION AND WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO, GLUE, SOLVENTS, OR AEROSOLS.

- G. *MEDICATION ORDER* MEANS THE WRITTEN ORDER SIGNED BY A PHYSICIAN, NURSE PRACTITIONER, DENTIST, PHYSICIAN ASSISTANT, OR OSETEOPATH FOR ANY PRESCRIPTION AND NONPRESCRIPTION DRUGS NEEDED ON A REGULAR BASIS, INCLUDING HOMEOPATHIC MEDICINES.
- H. *NONPRESCRIPTION DRUG* MEANS ANY NON-NARCOTIC DRUG PRODUCT WHICH MAY BE SOLD WITHOUT A PRESCRIPTION ORDER AND WHICH IS PRE-PACKAGED FOR USE BY CONSUMERS AND LABELED IN ACCORDANCE WITH THE REQUIREMENTS OF STATE AND FEDERAL LAW.
- I. *SCHOOL DAY* MEANS EACH DAY THAT SCHOOLS ARE OPEN FROM THE OPENING BELL SIGNALING THE COMMENCEMENT OF THE SCHOOL DAY UNTIL THE BELL SIGNALING DISMISSAL.
- J. *SCHOOL PROPERTY* MEANS ANY BOARD-OWNED, CONTROLLED, OR LEASED PROPERTY OR VEHICLE, REGARDLESS OF WHETHER STUDENTS ARE PRESENT.
- K. *SCHOOL-SPONSORED ACTIVITIES* MEANS ACTIVITIES THAT ARE SPONSORED, APPROVED, CONDUCTED, PLANNED, AND/OR SUPERVISED BY SCHOOL PERSONNEL REGARDLESS OF WHETHER THEY TAKE PLACE ON OR OFF SCHOOL PROPERTY OR OCCUR DURING NORMAL SCHOOL HOURS.

III. STANDARDS

- A. EFFORTS TO DETER THE USE OF ALCOHOL AND OTHER DRUGS BY STUDENTS WILL INCLUDE THE FOLLOWING:
 - 1. A COMPREHENSIVE HEALTH EDUCATION PROGRAM DESIGNED TO INFORM STUDENTS OF THE NEGATIVE EFFECTS OF ALCOHOL AND OTHER DRUG USE;
 - 2. APPROPRIATE SUPPORT AND INTERVENTIONS RELATED TO STUDENT USE OF ALCOHOL AND OTHER DRUGS; AND
 - 3. APPROPRIATE CONSEQUENCES FOR STUDENTS WHO VIOLATE THIS POLICY.

IV. PROHIBITIONS

- A. THE POSSESSION, USE, AND DISTRIBUTION OF ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, DRUG PARAPHERNALIA, OR INTOXICANTS IN ANY QUANTITY IS PROHIBITED ON SCHOOL PROPERTY AND AT ANY SCHOOL-SPONSORED ACTIVITY.
- B. THE ATTEMPT TO DISTRIBUTE OR POSSESSION WITH INTENT TO DISTRIBUTE A NON-CONTROLLED SUBSTANCE UPON THE REPRESENTATION THAT THE SUBSTANCE IS A CONTROLLED DANGEROUS SUBSTANCE IS PROHIBITED ON ALL SCHOOL PROPERTY AND AT ANY SCHOOL-SPONSORED ACTIVITY.
- C. THE POSSESSION OF PRESCRIPTION AND NONPRESCRIPTION DRUGS BY STUDENTS IS PROHIBITED ON ALL SCHOOL PROPERTY AND AT ANY SCHOOL-SPONSORED ACTIVITY. SHOULD A STUDENT REQUIRE MEDICATION DURING THE SCHOOL DAY OR DURING ANY SCHOOL-SPONSORED ACTIVITY, THE MEDICATION SHALL BE ACCOMPANIED BY A MEDICATION ORDER AND ADMINISTERED BY THE SCHOOL NURSE OR TRAINED STAFF PERSON, UNLESS OTHERWISE AUTHORIZED BY BOARD POLICY OR SUPERINTENDENT RULE.

V. VIOLATION OF POLICY

- A. STUDENTS WHO ARE FOUND TO HAVE VIOLATED THIS POLICY SHALL BE DISCIPLINED IN ACCORDANCE WITH BOARD POLICY 5550, *DISRUPTIVE BEHAVIOR*.

VI. IMPLEMENTATION

- A. THE BOARD DIRECTS THE SUPERINTENDENT TO IMPLEMENT THIS POLICY.

[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 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 student support services personnel.

The possession, use, and distribution of alcoholic beverages, illegal drugs, or other intoxicants on school premises creates 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. 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.]

Legal References: 20 U.S.C. §7101, *et seq.*, *SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES ACT*
Annotated Code of Maryland, Criminal Law Article §5-101, et seq., CONTROLLED DANGEROUS SUBSTANCES, PRESCRIPTIONS, AND OTHER SUBSTANCES
ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §4-124, DESIGNATION OF DRUG FREE SCHOOL ZONES

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-305, SUSPENSION AND EXPULSION

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-308, SEARCHES OF STUDENTS AND SCHOOLS

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-411, DRUG EDUCATION PROGRAM

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-412, PRESERVATION OF RIGHTS OF STUDENT SEEKING TO OVERCOME DRUG ABUSE

ANNOTATED CODE OF MARYLAND, EDUCATION ARTICLE §7-413, ALCOHOL ABUSE PROGRAM

Annotated Code of Maryland, Education Article §26-103, DRINKING OR POSSESSING INTOXICATING BEVERAGES ON SCHOOL PREMISES.

COMAR 10.27.11.05, NURSING FUNCTIONS

COMAR 13A.05.05.08, SCHOOL HEALTH STANDARDS – FOR ALL STUDENTS WITH SPECIAL HEALTH NEEDS

COMAR 13A.08.01.08, SUBSTANCE USE OR DISTRIBUTION

COMAR 13A.08.01.11, DISCIPLINARY ACTION

COMAR 13A.08.01.14, SEARCHES

COMAR 13A.08.01.15, REPORTING DELINQUENT ACTS

[21 U.S.C.A. §801, et seq.]

RELATED POLICIES: BOARD OF EDUCATION POLICY 5330, *SOCIAL EVENTS*

BOARD OF EDUCATION POLICY 5460, *SEARCHES*

BOARD OF EDUCATION POLICY 5550, *DISRUPTIVE BEHAVIOR*

BOARD OF EDUCATION POLICY 5560, *SUSPENSIONS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR EXPULSIONS*

BOARD OF EDUCATION POLICY 5600, *STUDENTS' RIGHTS AND RESPONSIBILITIES*

BOARD OF EDUCATION POLICY 6700, *EXTRACURRICULAR ACTIVITIES*

BOARD OF EDUCATION POLICY 6800, *FIELD TRIPS AND FOREIGN TRAVEL*

RELATED RULE: SUPERINTENDENT’S RULE 6801, *CULTURAL EXCHANGE*

Policy

Board of Education of Baltimore County

Adopted: 08/11/77

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