

**ALCOHOL AND/OR DRUG USE BY STUDENTS - AR**

**I. PURPOSE**

In an effort to maintain a drug and alcohol free environment on school property, on school transportation, and at all school sponsored activities, administration will align practice with the procedures outlined below.

**II. DEFINITIONS**

A. Alcohol - means any substance that contains one-half of one percent or more of alcohol by volume, which is consumable.

B. Drug - any controlled dangerous substance, drug paraphernalia, controlled paraphernalia, look-alike drugs, over-the-counter drugs/medications, inhalants, prescription drugs, or any man made or naturally occurring substance used for the purpose of altering behaviors, mood, or for changing the brain or nervous system.

C. User - a student who by any means assimilates, consumes, or is under the influence of an alcohol, any controlled dangerous substance, any look-alike drug, any over-the-counter drugs/medications in excess of the recommended dosage, or any prescription drug in excess of the prescribed dosage or prescribed for a person other than the user.

D. Possessor - a student who has an alcoholic beverage, drugs, drug paraphernalia, or controlled paraphernalia as defined in this section on their personal property, who has such substance under their control or who has knowingly placed themselves in proximity with a person known to have an alcohol or drugs on their personal property or under their control on school property, at school-sponsored or related functions.

E. Distributor - a student who participates in the transfer, or an attempted transfer, of alcohol or drugs as defined in this section, to another person with or without the exchange of money or other valuables or who possesses such a quantity of a substance for use by others as determined by a law enforcement agency.

F. Controlled paraphernalia - includes hypodermic syringes, needles, or other instruments used to administer controlled substances as well as gelatin capsules, glassine envelopes, and other packaging or equipment intended to be used in the distribution of controlled substances.

G. Drug paraphernalia includes 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.

H. Inhalant - any odor, gas, particle, fume or vapor deliberately inhaled for the purpose of altering behavior, mood, or change the brain or nervous system.

I. Over-the-counter drugs/medication - a drug or medication that may be legally purchased without a prescription, including but not limited to aspirin, cold medication, caffeine pills and diet pills. Over-the-counter drugs/medication do not include Luden or Hall's type cough drops.

### **III. PROHIBITIONS**

A. The use, possession, manufacturing, or distribution of controlled dangerous substances, any and all paraphernalia, look-alike drugs, unauthorized legal drugs, prescription drugs, over-the-counter drugs/medications, or alcohol is strictly prohibited on TCPS property, school transportation, and at all TCPS sponsored activities.

B. The use and/or possession of over the counter drugs/medications or prescription drugs is strictly prohibited unless the medication is managed consistent with TCPS Policy and Administrative Regulations 10.26 (*Administering Medicine to Students*).

C. The use, possession, manufacturing, or distribution of any substance used as an inhalant is strictly prohibited on TCPS property, school transportation, and at all TCPS sponsored activities.

### **IV. PROCEDURES**

A. Any Talbot County Public School employee who has reasonable belief that a student has violated the Board of Education's policy concerning drugs and alcohol is required to immediately report this information to the Principal, Assistant Principal or the Principal's designated representative.

The following are examples of criteria that might give one reasonable belief that a student has violated the Board's policy concerning alcoholic beverages and drugs:

1. Personal observation of a student in possession of, using, or distributing an alcoholic or drug; and/or
2. Information from a reliable source that a student is in possession of, has used, or has distributed an alcoholic or drug; and/or
3. Admission by a student that they are in possession of, have used, or have

distributed alcoholic or drugs, even if it seems to be an idle boast; and/or

4. A student displays symptoms/behaviors normally associated with use of an alcoholic or drugs.

B. When school officials have reasonable belief that a student has violated the Board's policy pertaining to alcohol and drugs:

1. The student is must be accompanied by a member of the school staff to the Principal's office or to a non-public area of the building and must be maintained there apart from other students and under direct observation and supervision of school staff.

2. Determination will be made by two or more school personnel regarding use of drugs or alcohol by the student based upon a review of available evidence and/or student behavior. For incidents involving suspected possession or distribution, staff shall follow the procedures outlined in TCPS Policy and Administrative Regulations 10.18 - (*Interrogations and Searches*)

C. If it is reasonably clear that the student is in possession, has purchased, distributed, or used drugs or alcohol:

1. The student's parent or guardian shall be notified as soon as possible and informed of the situation as well as the content of the drug and alcohol policy appropriate to the situation.

2. Parents are encouraged to arrange appropriate drug assessment. In the event a medical emergency exists, school officials will arrange immediate medical care by calling 911.

3. Law enforcement officials will be involved when a violation of the alcohol/drug policy occurs on school property or at a school sponsored activity. Police should be notified in the event that a relevant article or substance is collected during the period of time prior to or following the administrative action, the article or substance should be provided to the police authorities for law enforcement purposes.

D. If a student and/or their parents/guardians deny that the student has violated this Policy, school officials:

1. Shall seek an alternative explanation for the observed behavior from parent or student; and

2. If no acceptable alternative explanation is given by student or parent(s), the student will be disciplined according to TCPS Policy and Administrative

Regulations 10.14 (*Student Code of Conduct*).

3. The parent(s)/guardian(s) may have the student tested at a TCPS approved site drug testing facility within 24 hours of the incident. If the incident occurs late on a Friday afternoon or on a weekend, the student must be tested by 10 am on Monday. If the Health Department is closed, parents have the option then or at any other time to have their family physician order a normal drug panel and EtG assessment then refer the student to the appropriate testing facility. The cost of the test shall be paid by the Talbot County Public Schools. The results shall be confidential between the student/parent(s) and the testing facility. However, the student/parent(s) may share the test results with the school Principal or Assistant Principal.

4. A negative test result will be deemed conclusive proof the student has not violated the Board policy on alcoholic beverages and drugs. The student will then be immediately returned to his/her regular school program. In addition, the discipline record will be expunged pertaining to the incident and the suspension days will be changed to excused absences. All negative results submitted shall be confidential, destroyed, and not be part of the student's record. Failure of the student/parent(s) to submit to the testing or submit test results will be construed as a positive test. All positive or dilute test results submitted to the Principal shall be kept confidential and kept separate from the student's records. A positive or dilute test will result in the continuation of the original disciplinary action if it is a first infraction. If it is a second infraction, the student may be recommended for extended suspension or expulsion.

E. If it is confirmed that a student has violated the Board's Policy on alcohol and drugs:

1. The first infraction will result in the student being disciplined according to TCPS Policy and Administrative Regulations 10.14 (*Student Code of Conduct*). In addition, the student will be ineligible to participate in all extra curricular, athletic, and after school activities for 90 school days. Upon evaluation by an approved drug program, subsequent treatment, and approval from the Superintendent or designee, the 90-day ineligibility may be reduced to 45 school days. Please see TCPS Policy and Administrative Regulations 9.12 (*Extra Curricular Activities*) and 9.14 (*Interscholastic Activities*).

2. A second, and any additional such infractions, while attending any Talbot County Public Schools during any school year, will result in the student being disciplined according to TCPS Policy and Administrative Regulations 10.14 (*Student Code of Conduct*). The student will also be ineligible to participate in all extra curricular, athletic, and all after school activities for 180 days. Upon evaluation by an approved drug program, subsequent treatment, and approval from the Superintendent or designee, the 180-day ineligibility may be reduced to 90 school days. Please see TCPS Policy and Administrative Regulations 9.12

(*Extra Curricular Activities*) and 9.14 (*Interscholastic Activities*).

F. Should a student distribute, be in possession with intent to distribute, or conspire to distribute controlled dangerous substances, any and all paraphernalia, look-alike drugs, unauthorized legal drugs, prescription drugs, over-the-counter drugs/medications, or alcohol:

1. The student will be disciplined according to TCPS Policy and Administrative Regulations 10.14 (*Student Code of Conduct*).
2. Appropriate assessment and/or treatment for chemical dependency will be recommended to the student's parent or legal guardian. Should the parent or legal guardian of the student choose to share information resulting from professional assessment or treatment if conducted privately or through the health department, this information shall remain confidential in accordance with state and federal laws.
3. The school Principal will report the offense to law enforcement.

G. Conditions for readmission to school:

1. If the student is subject to discipline per TCPS Policy and Administrative Regulations 10.14 (*Student Code of Conduct*) and 10.20 (*Student Discipline*). Strict conditions may accompany reinstatement.

2. Students seeking to overcome drug abuse have the following rights in accordance with § 7-412 of the Education Article of the Annotated Code of Maryland:

a. Inadmissibility of statement of student - If a student seeks to overcome any form of drug abuse, as defined in § 8-101 of the Health General Article of the Annotated Code, from a teacher, counselor, Principal, or other professional educator employed by an educational institution that has received a certificate of approval under § 2-206 of the Education Article of the Annotated Code of Maryland, a statement, whether oral or written, made by the student, or an observation or conclusion derived from the statement, is not admissible against the student in any proceeding.

b. Rules and regulations may not require disclosure - A rule, regulation, or order may not require disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this provision.

## V. Prevention

To further its commitment to educate students to recognize that substance and alcohol abuse are health care issues as well as illegal acts, the Talbot County Public Schools supports the following prevention measures:

- Making the policy on Alcohol and/or Drug Use by Students available to students
- Providing a curriculum that addresses drug and alcohol as a health issue
- Providing student services teams and student assistance programs when appropriate
- Providing school based services which may include, but are not limited to, wellness centers, nurses, social workers and counselors
- Providing information on available community resources

## **VI. Drug Detection Dogs**

The Board policy authorizes the use of drug detection dogs as a possible resource by school officials in drug investigations and for drug deterrence. Procedures for the use of drug detection dogs in Talbot County Public Schools are as follows:

### **A. Principals shall ensure:**

1. Targeted areas for search will be student lockers and cars in the parking lots. Students will not be scanned.
2. If practicable, scans will be timed to occur when students are in classes or not in the school building; scans during lunch periods will be avoided. Classes will not change during scanning.
3. One administrator and one other faculty member will accompany the canine team and route any students who may be in the vicinity away from the area being scanned.
4. If a dog alerts on a locker or other area of the school, it may be searched by the school administrator (Principal, Assistant Principal or Security Staff) who will be accompanied by at least one other staff member.
5. If a dog alerts on a vehicle, it may be searched by the school administrator (Principal, Assistant Principal or Security Staff) who will be accompanied by at least one other staff member.
6. The student who operates the vehicle or to whom the locker is assigned will be summoned to the office and an attempt made to contact the student's parent or guardian as soon as possible.

7. Any suspected alcohol/drugs found as a result of the use of drug detection dogs may be referred to the appropriate law enforcement agency. Other items found as a result of the use of drug detection dogs, such as weapons, may also be referred to a law enforcement agency.
8. Results of the investigation are reported to the Superintendent.
9. Established administrative procedures for police involvement are followed.

## **VII. Public Notice**

Talbot County Public Schools Policy and Administrative Regulations 10.17 - *Alcohol and/or Drug Use by Students* shall be printed and/or referenced in the Talbot County Student Handbook. It may also be accessed by visiting the Talbot County Public Schools' website at <https://tcps.k12.md.us/>