

**TALBOT COUNTY  
PUBLIC SCHOOLS  
EASTON, MD 21601**

**POLICY CODE  
10.17-AR  
ENDORSED: 12/20/00  
REVISED: 06/16/10  
ADOPTED: 08/13/14  
REVISED: 06/21/17**

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

I. Any Talbot County Public School employee who has reasonable belief that a student has violated the Board of Education policy concerning drugs and alcoholic beverages is required to 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:

- A. Personal observation of a student in possession of, using, or distributing an alcoholic beverage or drug,
- B. Information from a reliable source that a student has in his possession, has used or has distributed an alcoholic beverage or drug,
- C. Admission by a student that he possesses, has used or has distributed an alcoholic beverage or drug, even if it seems to be an idle boast; or
- D. Display of symptoms/behaviors normally associated with use of an alcoholic beverage or drug.

II. Listed below is a recommended procedure to use when school officials have reasonable belief that a student has violated the Board's policy pertaining to alcohol and drugs.

- A. Student is accompanied by a member of the school staff to the Principal's office or to a non-public area of the building and is maintained there apart from other students and under direct observation and supervision.
- B. 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 suspected possession or distribution, the Board's policy on Interrogations and Searches (10.18) should be followed.

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

A. 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.

B. 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.

C. 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.

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

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

B. If no acceptable alternative explanation is given by student or parent(s), the student will be disciplined according to Policy 10.14 AR. The parent(s) may have the student tested at an 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.

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.

V. If it is confirmed that a student has violated the Board's Policy:

A. Pertaining to possessing or consuming alcoholic beverages, a controlled dangerous substance, a counterfeit controlled dangerous substance, a non-controlled substance as defined by Article 27, Section 286B of the Annotated Code of Maryland and/or other intoxicants:

1. The first infraction will result in the student being disciplined according to Policy 10.14 AR. 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, the 90-day ineligibility may be reduced to 45 school days.

2. A second such infraction, while attending any Talbot County Public Schools during any school year, will result in the student being disciplined according to Policy 10.14 AR. 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, the 180-day ineligibility may be reduced to 90 school days.

B. Pertaining to distribution, possession with intent to distribute, or conspiracy to distribute alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, non-controlled substances as defined by Article 27, Section 286 B of the Annotated Code of Maryland, or other intoxicants.

1. The student will be recommended for expulsion.

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 determine the appropriate action for students who are under the age of responsibility (seven years old).

C. Conditions for readmission to school:

1. If the student is subject to discipline per Policy Codes 10.22 (suspension) or 10.23 (expulsion). Strict conditions may accompany reinstatement.

2. Students seeking to overcome drug abuse have the following rights in accordance with Section 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 Section 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 Section 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.

D. Board policy authorizes the use of drug detection dogs as a possible resource by school officials in drug investigations and for drug deterrence.

Administrative procedures to be implemented by school administrators when drug detection dogs are utilized.

1. Procedures to be followed by the school Principal during the use of drug detection dogs on school property:

a. Targeted areas will be student lockers and cars on the parking lots. Students will not be scanned.

b. 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.

c. 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.

2. Procedures to be followed by the school Principal if a drug detection dog alerts on a locker, other area of the school, or vehicle.

a. 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.

b. 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.

c. 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.

d. 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.

3. Procedures to be followed after using the drug detection dogs on school property:

a. The Principal will report the results of the investigation to the Superintendent.

b. The Principal will follow established administrative procedures for police involvement.

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