

**ITEM TYPE: Discussion**

**BOARD AGENDA ITEM**

**TITLE:** Proposed Revisions to Board Policy JPA: Substance Abuse

**DATE:** April 12, 2017

**OVERVIEW:**

This change reflects that school officials' response to substance abuse infractions "may" involve appropriate law enforcement agencies. The involvement of law enforcement agencies is further clarified in the Administrative Regulations.

**RECOMMENDATION/FUTURE DIRECTION:** Will return for Board Action at the May 10, 2017 Board Meeting.

**Submitted by:** Dana Falls, Director of Student Services


**Approve/Concur:**

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Steven M. Johnson  
Assistant Superintendent of Instruction

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Stephen H. Guthrie  
Superintendent of Schools

		<b>Policy #</b>	JPA
		<b>Implemented</b>	December 13, 1989
		<b>Reviewed/Updated</b>	April 12, 2017
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<b>Procedure Owner</b>	Director of Student Services	<b>Expiration/Review</b>	Every three years

## Policy

### **1. Purpose**

To establish a uniform, county-wide policy to prevent substance abuse by students.

### **2. Definitions**

**Substance:** Any controlled dangerous substance, look-alike drug, alcohol, unauthorized legal drugs, over-the counter drug/medication, tobacco, inhalant, prescription drug, or any man made or natural occurring substance used for the purpose of altering behavior, mood, or the function of the brain or nervous system.

**Cumulative Suspension:** Suspension offenses coded as 201 (Alcohol), 202 (Drugs), and 203 (Inhalants) carry over from one year to the next, and accumulate for a student's entire school career.

**Distribution:** Participating in the transfer, or attempted transfer, of alcohol or drugs, as defined in this section to another person with or without the exchange of money or other valuables. Distribution also includes the possession of a controlled dangerous substance in sufficient quantity reasonably to indicate an intent to manufacture, distribute, or dispense a controlled dangerous substance. (This is the definition used in the Criminal Law Article of the Annotated Code of Maryland and is the standard used by the authorities in determining distribution.)


**Drug Paraphernalia:** Drug paraphernalia include any and all equipment or packaging intended for use in manufacturing or distribution of controlled dangerous substances. They also include all equipment, products, or materials of any kind that are used, intended for use, or designed for use in introducing a controlled dangerous substance into the human body.

**Inhalant:** Any odor, gas, particle, fume or vapor deliberately inhaled for the purpose of altering behavior, mood, or the function of the brain or nervous system.

**Possession:** Having alcohol, drugs, or paraphernalia on one's personal property, or having such substance under one's control.

**Constructive Possession:** Failing to remove oneself as quickly and safely as possible from a person, area, or situation where alcohol/drugs are illegally possessed.

**Solicit:** To knowingly request or attempt to obtain a substance as defined above.

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### **3. Policy Statement**

The Board of Education strongly endorses a drug-free school environment. Accordingly, it is the policy of the Board of Education that:

The use, possession, manufacture, distribution, and solicitation of controlled dangerous substances, drug paraphernalia, look-alike drugs, unauthorized legal drugs, prescription drugs, over-the-counter drugs/medications, alcohol, tobacco, or inhalant substances is strictly prohibited on school property, school sponsored travel, or in connection with any program or activity sponsored or endorsed by the Carroll County Public Schools.

Any student shall not be fully eligible for participation in extracurricular activities if the student uses, is in actual or constructive possession of, manufactures, or distributes any controlled dangerous substance, controlled or drug paraphernalia, look-alike drugs or alcohol, (the possession, use, transfer, or sale of which is prohibited by law), at any time on school property or at school sponsored activities. Further, any student who uses over-the-counter drugs/medications or prescription drugs in excess of the recommended or prescribed dosage(s), possesses or uses another's prescription drugs, or deliberately uses, manufactures or distributes any unauthorized inhalant substance, or who distributes any over-the-counter or prescription drugs/medications on school property and/or at school sponsored or related functions shall not be fully eligible for participation in extracurricular activities.


School officials ~~will~~ MAY involve appropriate law enforcement agencies when violations of this policy occur on school property, on school sponsored travel, or at a school sponsored activity.

The use of undercover police officers is authorized after the Board President has been notified and when deemed essential to an investigation.

The use of drug detection dogs is authorized as a possible resource by school officials in drug investigations and for drug deterrence. There shall be mutual agreement by school and law enforcement officials that the use of drug detection dogs is appropriate.

The Superintendent shall ensure that students, parents, and staff are notified on an annual basis of policies and regulations regarding alcohol and drug abuse.

"Drug Free School Zone" signs shall be placed on Board of Education owned or leased property used for the purpose of elementary or secondary education.

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#### ***4. Exceptions***

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Prescription or non-prescription drugs may be administered to students upon written authorization by the student's physician, dentist, or psychiatrist, in accordance with the Carroll County Public Schools' Administrative Regulations.

Ibuprofen (i.e. Advil) or acetaminophen (i.e. Tylenol) may be administered to students upon written consent of the student's parent or guardian in accordance with the Carroll County Public Schools' Administrative Regulations.

#### ***5. Guidelines***

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The following Federal and/or State laws refer to Carroll County Public Schools' policies regarding drug / alcohol use and possession: C.O.M.A.R. 13A.08.01.08

'26-103 of the Maryland Annotated Code, Education Article - Drinking or possessing intoxicating beverages on school property

'5-601 of the Criminal Law Article, Annotated Code of Maryland - Possessing or administering controlled dangerous substance

'5-602 of the Criminal Law Article, Annotated Code of Maryland - Manufacturing, distributing, possessing with intent to distribute, or dispensing controlled dangerous substance.

'5-603 of the Criminal Law Article, Annotated Code of Maryland - Equipment to produce controlled dangerous substance.

'5-604 of the Criminal Law Article, Annotated Code of Maryland - Counterfeit substance.

'5-617 of the Criminal Law Article, Annotated Code of Maryland - Distributing faked controlled dangerous substance.

'5-618 of the Criminal Law Article, Annotated Code of Maryland - Possession or purchase of noncontrolled substance.

'5-619 of the Criminal Law Article, Annotated Code of Maryland - Drug paraphernalia.


'5-620 of the Criminal Law Article, Annotated Code of Maryland - Controlled paraphernalia

'5-627 of the Criminal Law Article, Annotated Code of Maryland - Controlled dangerous substance near school.

'5-701 of the Criminal Law Article, Annotated Code of Maryland - Dispensing prescription drug

'5-708 of the Criminal Law Article, Annotated Code of Maryland - Inhalant

'5-709 of the Criminal Law Article, Annotated Code of Maryland - Distribution of inhalant and instruction on inhaling

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'7-412 of the Education Article, Annotated Code of Maryland - Preservation of rights of student seeking to overcome drug abuse

'20-102 of the Health-General Article, Annotated Code of Maryland - Treatment for health related problems. (minors)

Administrative Regulation: Substance Abuse

Administrative Regulation: Eligibility

#### **6. Delegation of Authority**

The Superintendent/designee has the responsibility for enforcing this policy by communicating it to all relevant parties and by providing necessary instructions and/or administrative regulations (if appropriate) to all staff members.

#### **7. Effective Date**

December 13, 1989