

A. Legal Basis and Definitions

- (1) Bylaw 13A.08.01.04 of the Code of Bylaws - Maryland State Department of Education states - Students are prohibited from using intoxicants in any form on school premises.
- (2) Section 26-103, of The Public School Laws of Maryland states - Prohibited Conduct:
 - (a) Unless locally approved by the county Board of Education, a person may not drink or possess any alcoholic beverage on the premises of any public school.
 - (b) A person who drinks or possesses any alcoholic beverage and causes a public disturbance at any elementary or secondary school athletic contest may not refuse to comply with a request by a law enforcement officer to stop drinking and causing the public disturbance. If the person complies with the first request, he/she way not be charged under this paragraph.
- (3) Maryland Annotated Code, Article 27, Section 286, states - Except as authorized by this subheading, it is unlawful for any person:
 - (a) To manufacture, distribute, dispense or possess a controlled dangerous substance in sufficient quantity to reasonably indicate under all circumstances an intent to manufacture, distribute or dispense a controlled dangerous substance;
 - (b) To create, distribute or possess with intent to distribute a counterfeit controlled dangerous substance;
 - (c) To manufacture, distribute or possess any punch, die, plate, stone or any other equipment which is designed to print, imprint or reproduce the trademark, trade name or other identifying mark, imprint or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render the drug a counterfeit controlled dangerous substance;
 - (d) To keep or maintain any nuisance which means any dwelling house, apartment, building, vehicle, vessel, aircraft or any place whatever which is resorted to by drug abusers for purposes of illegally administering controlled dangerous substances or which is used for the illegal manufacture, distribution, dispensing, storage or concealment of controlled dangerous substances or controlled paraphernalia, as defined in subsection 4 of Section 287 of this subheading.
- (4) Section 287 states - Except as authorized by this subheading, it is unlawful for any person:
 - (a) To possessor administer to another any controlled dangerous substance, unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his/her professional practice.
 - (b) To obtain or attempt to obtain a controlled dangerous substance or controlled paraphernalia or to procure or attempt to procure the administration of any controlled dangerous substance:
 - by fraud, deceit, misrepresentation or subterfuge

Somerset County Board of Education
Administrative Procedures
Policy #600-15

- by the forgery or alteration of a prescription or a written order
 - by the concealment of any material fact or by the use of false name or address
 - by falsely assuming the title of or representing himself/herself to be a manufacturer, distributor or practitioner
 - by making or uttering any false or forged prescription or written order
- (c) To affix any false or forged label to a package, container or other receptacle containing any controlled dangerous substance, or to omit, remove, alter or obliterate any label or symbol on any such controlled dangerous substance as required by the federal, state or local law.
- (d) To possess or distribute controlled paraphernalia which shall mean:
- a hypodermic syringe, needle or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances which reasonably indicate an intention to use such controlled paraphernalia for purposes of illegally administering any controlled dangerous substance
 - gelatin capsules, glassine envelopes or any other container suitable for the packaging of individual quantities of controlled dangerous substances in sufficient quantity to and under circumstances which reasonably indicate an intention to use any such item for the illegal manufacture, distribution or dispensing of any such controlled dangerous substance lactose, quinine, mannite, dextrose, sucrose, procaine hydrochloride or any other substance suitable as a diluent or adulterant in sufficient quantity and under such circumstances which reasonably indicate an intention to use any such substance for the illegal manufacture, distribution or dispensing of any controlled substance.
- (5) Definitions:
- (a) Alcohol/Drugs - Any controlled dangerous substance, controlled paraphernalia, look-alike drugs, unauthorized legal drugs and alcohol.
 - (b) Alcohol Beverages - Alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider and any other spirituous, vinous, malt or fermented liquor, liquid, or compound, by whatever name called, containing one half of one centum or more of alcohol by volume, which is fit for beverage purposes.
 - (c) Controlled Dangerous Substance - Any drug, substance or immediate precursor in Schedule I through V in Article 27, Section 277, Annotated Code of Maryland.
 - (d) Drug Paraphernalia - 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 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. It includes, but is not limited to, items found in Article 27, Section 287A, Annotated Code of Maryland.

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

- (e) User - A student who by any means assimilates or is under the influence of alcohol or a controlled dangerous substance, look-alike drug or prescription drug except for such drugs or substances as authorized and in a manner prescribed by a physician.
- (f) Possessor - A student who has alcohol or a controlled dangerous substance, a look-alike drug or an unauthorized legal drug on his/her personal property or who has such substances under his/her control on school property.
- (g) Distributor - A student who transfers alcohol or any controlled dangerous substance, look-alike drug or prescription drug to another person with or without the exchange of money or other valuable or who possesses such a quantity of a substance for use by others as determined by the State's Attorney after investigation by Maryland State Police.
- (h) Drug Abuse - For purposes of these regulations is defined as the unauthorized use of any drug - legal, look-alike or illegal.
- (i) Extended Suspension - A suspension for more than ten (10) school days which can be made only by the Superintendent of Schools or his designee at the recommendation of the principal. This type of suspension is usually for the remainder of a semester or school year, or for not less than nine (9) weeks, when alcohol/drugs are involved.
- (j) Expulsion - The termination of enrollment by the Superintendent of Somerset County Public Schools.
- (k) School Premises - Area within school property boundaries and area within a school bus.
- (l) School-Related Activity - on or off premises activity in which the student directly participates (e.g., athletic event, field trip, prom) or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at athletic event).
- (m) Drug Items Authorized to be Possessed - Items authorized by doctor (e.g., aspirin, antacids, motion sickness drug for field trip).
- (n) Actual Possession - Actual control or possession of an item.
- (o) Constructive Possession - Item found in such close proximity or in such a place that it can be reasonably inferred that the person controls or possesses the item, such as a student's backpack.
- (p) Police Matter - Any incident in which an item suspected of being a controlled dangerous substance is discovered and secured by staff or any incident which might be a delinquent act as addressed in COMAR13A.08.01.15.
- (q) Reasonable Suspicion - A suspicion based upon credible information that would allow a reasonable and prudent person to conclude that prohibited activity was taking place.
- (r) Under the Influence of Intoxicating Liquor - Drinking to the extent of probably affecting one's judgment and discretion or probably affecting one's nervous system to the extent that there is failure of normal coordination, although not amounting to intoxication.

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

B. Procedures For Referring Students To Assessment - Guidelines for dealing with substance abuse have been developed over a period of time and are designed to comply with applicable Maryland Law which encourages and protects students who seek information from teachers and other educational and health professionals on how to overcome substance abuse problems.

- (1) Section 7-410 of The Public School Laws of Maryland provides that when a student seeks information for overcoming a drug problem from any educator (teacher, counselor or other pupil services specialist, administrator), no statement made by the student or observations made by the educator during the information/counseling session is admissible in any proceeding. This means no criminal conviction or school disciplinary action can result from what was said or done during this conference between the student and educator. The law further states that educators cannot be compelled by the school administration or other authorities to divulge the identity of any student who seeks abuse information.
- (2) Article 43, Section 135, of the Maryland Annotated Code indicates that any young person, including those under 18 years of age, may be treated by a physician for any form of drug abuse without his or her parent's consent. The treating physician is under no legal duty to inform the parents of any minor under treatment for drug abuse. Whenever a person seeks counseling or treatment for drug abuse from a physician, psychologist, hospital or authorized drug program, no criminal convictions may ensue from the contents of those sessions. The law guarantees that any statement made by a person seeking help or any observation made by the one treating that person is not admissible in court or in any other proceeding.
- (3) Every case in which a student seeks counseling or information from a professional educator for the purpose of overcoming drug abuse must be handled on an individual basis, which will depend upon the nature and particulars of the subject case. In determining what procedures might be appropriate, the educator from whom such information is sought shall consider the following factors:
 - (a) Age of student
 - (b) Type of drug
 - (c) Intensity of involvement
 - (d) Sincerity of student and willingness to undertake appropriate treatment
 - (e) Resources available
 - (f) Parental involvement
- (4) As in any good helping relationship, the educator (at the earliest appropriate time) is encouraged to discuss the availability of other resources, his or her professional limitations and the desirability of parental involvement. Decisions to include parents should be made jointly by the student and educator unless, in the judgment of the educator, the mental or physical health of the child is immediately and dangerously threatened.

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

- (5) Examples of immediate and dangerous threats to a student's health are the loss of consciousness, severe intoxication, inability to communicate coherently or threat of suicide.
- (6) Educators should limit helping role contacts with students seeking to overcome a drug problem on the school premises.
- (7) If an educator feels incapable of providing adequate help for a student or feels that counseling can no longer benefit the student, the educator and student should cooperatively seek additional professional help from other available sources.
- (8) Any written information pertaining to or about the information-seeking counseling session should be regarded as the personal notes of the educator. No record should be kept in any official school file or folder.
- (9) All educators should have access to a list of available sources in their community where students with drug problems may be referred for help.
- (10) In the general classroom situation, teachers should not attempt to diagnose symptoms of drug abuse. Because of the difficulty of determining such symptoms, it is suggested that if a student is physically or mentally incapable of functioning properly in class, the student should be sent to the school health room and referral procedures should be followed.
- (11) Procedures for Handling Individual Cases - Listed below are recommended procedures to be followed when any member of the school staff refers a suspected substance abuser to the principal or assistant principal. Information should be evaluated in light of the student's total school situation and considered on an individual basis.
 - (a) Possible abuse where information is indefinite. For example, students felt to be associating with known drug users and students whose names are associated with prior drug situations.
 - Discuss the situation with the student.
 - As clarified in Section 4, Procedures for Referring Students to Assessment, a decision to involve parents may or may not be made, depending on the joint decision of student and educator.
 - If the problem persists and there is no cooperation with the parents, advise them help may be obtained by contacting Pupil Services and/or the Somerset County Health Department.
 - (b) Possible abuse - information more definite as in the case of a student showing unexplainable signs of changes in behavior, appearance,

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

personality, attentiveness, school work, etc. Persistent chronic manifestations of these behaviors are clearer problem indicators.

- Discuss problem with the student.
 - Obtain a referral form from the school level intervention program (Learning Support Team).
 - Contact Student Services for information on additional evaluation resources.
 - Arrange a parent conference or request a home visit by the student services personnel to inform them of a possible problem. Make no accusations until information is more definite.
- (c) Definite abuse in school, as in the case of students found having drugs in their possession in the school, should be reported to the administrator and he or she should:
- Notify the appropriate law enforcement agency and press charges. Report such contact to the Superintendent of Schools in writing as soon as possible.
 - Contact the parents and Student Services.
 - Refer to Section 5, Procedures for Investigating Policy Violations and Section 3, Rules for Student Behavior.

C. Procedures for Investigating Policy Violations - The following steps are to be taken by a staff member when he or she has decided or concluded that a student behavior rule has been violated and the procedures by which staff are to properly conduct a search or investigation for evidence.

- (1) When a staff member concludes that he or she has observed a policy violation, the following steps should be taken:
- (a) Stop the student;
 - (b) Briefly explain to the student what has been observed;
 - (c) Ask the student to explain the situation;
 - (d) If the staff member concludes that a violation of the schools alcohol and other drug use policy may have occurred, then the staff member escorts the student with any evidence to the building administrator;
 - (e) The building administrator asks the student for an explanation;
 - (f) The building administrator expresses a conclusion and, if necessary, notifies the police;
 - (g) The principal imposes a penalty, if necessary, in compliance with Section 7-304 of The Education Articles and COMAR 13A.08.01; .12; .13; .14; .15.
- (2) Searching the School - Authority of school personal and the police to search school premises and/or students is governed by Section 7-307 of The Education Articles and COMAR 13A.08.01.14.
- (a) Procedures to be followed when conducting searches are listed in SCPS 600-40.
 - (b) Procedures to be followed by staff members who see a suspected illegal

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

item:

- Ask the student to hand over the item;
 - If the student refuses, escort the student to the building administrator;
 - If the student is non-compliant (combative, decides to flee, etc.) the staff member is to think of his or her own safety;
 - In any event, the building administrator must be notified.
- (c) Procedures for securing confiscated items by any staff member:
- Label the item or seal it into an envelope;
 - Mark the label or envelope with the time, date, circumstance (ex: first name and last initial of the student from which it was taken and the name or initials of the staff member or, if found on school property and not in possession of a student, the exact location of discovery). Note: When suspected drugs are acquired by an educator in a counseling-seeking conference, the name of the student should not be indicated. In all other instances where an educator comes into possession of drugs, the name of the individual should be carefully noted.
 - Notify building administrator immediately;
 - Store the item in a secure place such as a locked drawer or safe;
 - Call appropriate law enforcement officials. (It is not a violation of a criminal statute for a school official to possess the drug between the time it is confiscated and the time it is turned over to the police.

(3) Local law enforcement agencies will be kept informed of Somerset County Board of Education Student Alcohol and Drug Use Policy.

- (a) Additional school officials will coordinate efforts with local law enforcement agencies to:
- Prevent alcohol and other drug abuse by students;
 - Detect the possession of illegal drugs by students on school premises;
 - Report alcohol and other drug abuse activities on school premises;
 - Investigate alcohol and other drug abuse activities on school premises.

D. Provisions for Emergency Medical Care - Somerset County Public Schools strongly adhere to COMAR 13A.05.05.05 concerning School Health Standards. The following procedures will be instituted in cases of suspected alcohol and drug related emergencies:

(1) Building administrator or teacher in charge will be notified.

(2) Building administrator or teacher in charge will:

- (a) Notify the designated health service professional or other qualified staff member;
- (b) Notify paramedic or rescue squad;
- (c) Notify student's parent(s) regarding:
 - condition of student;
 - decision to call paramedic or rescue squad;

Somerset County Board of Education
Administrative Procedures
Policy # 600-15

- any decision by paramedics or rescue squad to transport the student off school premises;
 - (d) Examine clothes and locker;
 - (e) Disclose relevant health information from the student - health record or any substance found;
 - (f) Notify Student Services.
- (3) In medical emergencies, the decision regarding whether and where a student is transported for treatment rests with the paramedics or rescue squad.
- (4) If illness is diagnosed by the physician as drug induced or if there is sufficient proof such as questionable substances found, then appropriate law enforcement agencies will be notified and school disciplinary procedures enforced.

E. Confidentiality of Student Education Records - All student records will be maintained in compliance with COMAR 13A.08.02.03B and Somerset County Board of Education Policy.

- (1) The following additional procedures will be followed:
- (a) Information concerning the individuals' suspected alcohol and drug abuse problem will not be maintained in the student cumulative folder. Such information will be maintained in an administrator's file and/or the Office of Student Services.
 - (b) The final permanent record of the individual (SRC) will not include information of this type.
 - (c) Under no circumstances will information concerning students and their alcohol/drug abuse problem be given to any source except the police and/or health authorities.

F. Alcohol and Other Drug policy Dissemination - Students, parents and staff will be notified on an annual basis of policies and regulations regarding alcohol and drugs. Students and their parents will receive a copy of the school system's alcohol and drug use policy and disciplinary sanctions for violation of the policy. Compliance with the alcohol and drug policy is mandatory. Among the methods for disseminating the policy on an annual basis are:

- (1) Meeting with staff members to explain the policy.
- (2) Having a copy of the policy published in faculty and student handbooks.
- (3) Having teachers discuss the policy with students.
- (4) Having copies of the policy available for the public in each school as well as in the offices of the Board of Education.
- (5) Providing copies of the policy to the local media.
- (6) Posted on the Somerset County Public Schools.