

REGULATION

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

Related Entries: Policy JCC (formerly Policy 908)

Responsible Office: ASSISTANT SUPERINTENDENT FOR STRATEGIC INITIATIVES

ALCOHOLIC BEVERAGES, CONTROLLED DANGEROUS SUBSTANCES, OR OTHER INTOXICANTS

A. PURPOSE

To establish procedures and penalties when anyone on Anne Arundel County Public Schools (AACPS) property, or engaged in AACPS sponsored activities, is found to be in possession, distribution, use, or under the influence of alcoholic beverages, controlled dangerous substances or other intoxicants.

B. BACKGROUND

The possession, consumption, and/or distribution of alcoholic beverages, controlled dangerous substances, as defined by the Annotated Code of Maryland or other intoxicants on school premises create a reasonable likelihood of disruption to or interference with the academic process and constitute a substantial danger to persons and property. The possession, use, distribution, or conspiracy to distribute alcoholic beverages, controlled dangerous substances or other intoxicants in any quantity is prohibited on property owned by the Board of Education, on school buses, or at off-site school-sponsored activities. The possession or consumption of alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, noncontrolled substances as defined by the Annotated Code of Maryland, or other intoxicants on school buses, within school buildings or upon school property, or during any school, school related, or Board sponsored activity, whether held on school property or at locations off school property, including private clubs, businesses, or commercial establishments is strictly prohibited. Compliance with the standards of conduct set forth in this policy is mandatory. Violation of this policy will result in suspension or expulsion from school in accordance with regulations promulgated by the Superintendent.

1. Maryland State Board Bylaw (COMAR) provides that all students are prohibited from using alcohol or controlled dangerous substances in any form on the school premises without a physician's prescription.
2. The distribution of alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, non-[[controlled substances as defined by the Annotated Code of Maryland, or other intoxicants on school buses,

within school buildings or upon school property, or during any school, school related, or Board sponsored activity, whether held on school property or at locations off school property, including private clubs, businesses, or commercial establishments is strictly prohibited. Compliance with the standards of conduct set forth in this policy is mandatory. Violation of this policy will result in expulsion from school in accordance with regulations promulgated by the Superintendent.

3. A student may not attend any school, school related or Board sponsored activity, whether held on school property or at locations off school property, including private clubs, businesses, or commercial establishments, after having used or consumed any alcoholic beverage, controlled dangerous substance, counterfeit controlled dangerous substance, noncontrolled substance as defined the Annotated Code of Maryland, or other intoxicants. Compliance with the standards of conduct set forth in this policy is mandatory. Violations of this policy will result in suspension or expulsion from school in accordance with regulations promulgated by the Superintendent.

C. Definitions

1. **Alcoholic Beverages:** 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. **Constructive Possession:** Failing to remove oneself from a situation or area where alcohol or other drugs are known to be present.
3. **Controlled Dangerous Substances:** Any 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.
4. **Distribution:** The actual or intended sale, transfer, trade, giving or exchange in any manner of alcohol, controlled dangerous substances, prescription medication over-the-counter products 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. Distribution does not include circumstances where a prohibited substance is possessed or testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance.
5. **Inhalant:** Any substance inhaled for the purpose of inducing a condition of intoxication, inebriation or excitement, or otherwise impairs one's mental

faculties.

6. Intent to Distribute: Possession of alcohol, controlled dangerous substances, prescription medication or over-the-counter products on the person of a student, in or on any item or belonging under the control of the student or owned by the student, in such quantity and under such circumstances, observed or discovered, indicating the strong likelihood of distribution (as defined) in any setting in which students are responsible to school authority and or supervision.
7. Other Intoxicants: Any compound or substance which causes a loss of self-Control or inebriation and which shall include glue and solvents.
8. Over-the-Counter Product: Over-the-counter medicines, homeopathic and herbal products, and dietary supplements.
9. Possession: A student has on the student's person, or within the student's personal property, or has under the student's actual or constructive control, an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a non-controlled substance as defined by the Annotated Code of Maryland, or other intoxicant.
10. Prescription Medication: A substance that under federal law may not be dispensed without a prescription written by a person licensed by the State to do so.
11. School Related Activity: On or off premises activity in which a student directly participates (e.g. field trip, school system-sponsored athletic event, and class/graduation activities,) or in which the student does not directly participate but represents the school or student body simply by being there (e.g. spectator at a school system-sponsored event).
12. Use: The actual implementation, consumption, injection, or ingestion of alcoholic beverages, controlled dangerous substances, or other intoxicants as defined. Consumption implies that a student has consumed, ingested, assimilated, inhaled, or injected, an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a non-controlled substance as defined by the Annotated Code of Maryland, or other intoxicant.

D. PROCEDURE

1. Possession or Consumption
 - a. Any member of the staff who has reason to suspect that a student has violated Board policy concerning alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, noncontrolled substances as defined by the Annotated Code of Maryland,

or other intoxicants will report this information to the school principal, assistant principal, or to the principal's designated representative.

- b. Actions Required If A Student is Suspected of Possessing or of Consuming Alcoholic Beverage, A Controlled Dangerous Substance, A Counterfeit Controlled Dangerous Substance, A Noncontrolled Substance as defined by the Annotated Code of Maryland, or Other Intoxicant.
 - i. Student will be provided access to emergency medical care when necessary.
 - ii. Student will receive oral or written notice of the charges against them.
 - iii. Student is accompanied by a member of the school staff to the principal's office or to another secluded area of the building and is maintained there apart from other students and under direct observation and supervision.
 - iv. A principal or an assistant principal may make a reasonable search of a student on school premises if that individual has a reasonable belief that the student has in the student's possession an item, the possession of which is a criminal offense under the laws of the state. The search must be made in the presence of a third party.
 - v. A principal or an assistant principal may make a search of the physical plant of the school and its appurtenances including the lockers of students. The right of the school official to search the locker must be announced or published previously in the school.
 - vi. Student's parent or guardian is notified, and asked to come to school or to the site of the school activity.
 - vii. If student or student's parent denies that the student is in possession of, or that the student has consumed an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant:
 - (1) Seek an alternative explanation for the observed behavior or symptoms;
 - (2) Allow student to hear an explanation of evidence supporting charges and an opportunity to present the student's side of the story;
 - (3) In consideration of new information, reappraise original

decision regarding possession or consumption of an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant;

- (4) If new information or explanation is convincing, the student is readmitted to class or school activity; and
 - (5) If new information or explanation is unconvincing, the student is suspended.
- c. Actions Required When It Is Confirmed That A Student Possesses or Has Consumed An Alcoholic Beverage, A Controlled Dangerous Substance, A Noncontrolled Substance as Defined by the Annotated Code of Maryland, or Other Intoxicant:
- i. When it has been established to a principal's satisfaction that a student possesses or has consumed an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a non-controlled substance as defined by the Annotated Code of Maryland, or other intoxicant, a principal will suspend the student pending further consideration of the case by the Office of the Superintendent.
 - ii. Additionally, a principal will:
 - (1) Notify police (possession cases only unless student involved is obviously intoxicated and is disorderly) and provide appropriate details and personal data regarding the student.
 - (2) Ask the police to supply transportation and/or detention, if the school has been unable to contact parents; and
 - (3) Notify a Special Assistant for Student Discipline providing a brief description of incident, personal data regarding the student, and action taken by school authorities. Include name, rank and badge number of police officer handling the case.
- d. Consideration for Readmission to School
- i. A satisfactory conference with the student and the student's parent or guardian must be completed as a condition of consideration for readmission to school.

ii. Requirements of Satisfactory Conference

- (1) In order to be considered for readmission to school, the student or the student's parent or guardian will reveal the source of the alcoholic beverage, controlled dangerous substance, counterfeit controlled dangerous substance, non-controlled substance, as defined by the Annotated Code of Maryland, or other intoxicant, and substantiating details about how they were obtained.
- (2) The student and the student's parent or guardian will agree to participate in the school system's Alternative to Drugs Program (ADP).

e. Actions Required If Conditions of Readmission Are Not Met Within Ten School Days:

- i. The school principal will submit a written request for extension of suspension to the Superintendent of Schools
- ii. Upon receipt of a written request for extension of suspension, a letter will be prepared to the parents to be signed by the Superintendent's designee.

f. Second Offense

A second violation of Board policy concerning the possession of or consumption of an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a non-controlled substance as defined by the Annotated Code of Maryland, or other intoxicant shall result in expulsion from school.

2. Distribution, Possession with Intent to Distribute, or Conspiracy to Distribute.

- a. Any member of the staff who has reason to suspect that a student has violated Board policy concerning alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, noncontrolled substances as defined by the Annotated Code of Maryland, or other intoxicant will report this information to the school principal, assistant principal or to the principal's designated representative.

b. Definitions:

- i. Distribution implies that a student has distributed or transferred an alcoholic beverage, a controlled dangerous substance, a counterfeit

controlled dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant to another person or persons with or without the exchange of money or other valuables or considerations.

- ii. Possession With Intent to Distribute implies that a student has in the student's possession, or within the student's personal property, or has in the student's actual or constructive control an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant in sufficient quantity to indicate an intent to distribute or transfer to another person or persons with or without the exchange of money or other valuables or considerations.
- iii. Conspiracy to Distribute implies that a student has decided in concert with one or more persons to distribute or complete the transfer of an alcoholic beverage, a controlled dangerous substance, a counterfeit dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant with or without the exchange of money or other valuables or considerations.

3. Actions Required if a Student is Suspected of Distribution, Possession with Intent to Distribute or Conspiracy to Distribute Alcoholic Beverages, Controlled Dangerous Substances, Noncontrolled Substances as Defined by the Annotated Code of Maryland, or Other Intoxicant:

- a. Student will receive oral or written notice of the charges against the student;
- b. Student is accompanied by a member of the school staff to the principal's office or to another secluded area of the building and is maintained there apart from other students and under direct observation and supervision;
- c. Student's parent or guardian is notified and asked to come to school or to the site of the school activity; and
- d. If student or the student's parent denies that student is involved in the distribution, possession with intent to distribute, or conspiracy to distribute an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance as defined by the Annotated Code of Maryland, or other intoxicant:
 - i. Seek an alternative explanation for the observed behavior;

- ii. Allow student to hear an explanation of evidence supporting charges and an opportunity to present the student's side of the story;
 - iii. In consideration of new information, reappraise original decision regarding distribution, possession with intent to distribute, or conspiracy to distribute an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a counterfeit controlled dangerous substance, a noncontrolled substance as defined the Annotated Code of Maryland, or other intoxicant;
 - iv. If new information or explanation is convincing, student is readmitted to class or to school activity; and
 - v. If new information or explanation is unconvincing, student is suspended with a request to the Superintendent for an expulsion.
4. Action Required When It Is Confirmed That A Student Is Involved In Distribution, Possession With Intent To Distribute, Or Conspiracy To Distribute Alcoholic Beverages, Controlled Dangerous Substances, Counterfeit Controlled Dangerous Substances, Noncontrolled Substances as Defined by the Annotated Code of Maryland, or Other Intoxicant:
- a. When it has been established to a principal's satisfaction that a suspected student is involved in the distribution, possession with intent to distribute, or conspiracy to distribute an alcoholic beverage, a controlled dangerous substance, a counterfeit controlled dangerous substance, a noncontrolled substance as defined by the Annotated Code of Maryland, or other intoxicant, a principal will suspend the student with a request to the Superintendent for expulsion.
 - b. Additionally, a principal will:
 - i. Notify police and provide appropriate details and personal data regarding the student;
 - ii. Ask police to supply transportation and/or detention, if the school has been unable to contact parents; and
 - iii. Notify a Special Assistant for Student Discipline, providing a brief description of the incident, personal data regarding the student, and action taken by school authorities. Include name, rank and badge number of police officer handling the case.
5. Consideration for Readmission to School

A student, the student's parent or guardian must write the Superintendent or designee requesting a conference to review the expulsion. Consideration for readmission to school will include:

- a. Consideration of the nature and severity of the incident leading to expulsion;
 - b. Evidence of student's participation in a recognized program of alcohol and/or drug counseling and rehabilitation;
 - c. A review and evaluation of student's school record including consideration of attendance, academic performance, and behavior;
 - d. Decisions regarding readmission to school will be determined on a case-by-case basis. Generally, it will be expected that:
 - i. The student has been separated from the public school system for one full semester or for 18 weeks of school.
 - ii. The student will attend an alternative program for one semester.
 - e. This procedure may be modified by the aggravating or mitigating circumstances of a particular case.
6. Penalty for Violation by Graduating Students
- a. Graduating students who violate Board policies on possession, consumption, or distribution of alcoholic beverages, controlled dangerous substances, counterfeit controlled dangerous substances, noncontrolled substances as defined by the Annotated Code of Maryland, or other intoxicant at any time during the last four weeks of school prior to the last scheduled day for graduating students, or during the time between the last scheduled day and the graduation ceremony, whether the activity takes place on school buses, within a school building or upon any school property, or during any school, school related, or Board sponsored activity, whether held on school property or at locations off school property, including private clubs, businesses, or commercial establishments, shall be prohibited from participation in all senior activities, including proms, award ceremonies, and graduation ceremonies.
 - b. Diplomas earned by students denied participation in graduation ceremonies will be available upon request in the office of the appropriate school principal on the first workday following graduation ceremonies.
7. Use of Drug Detection Dogs

At the beginning of the school year, the principal must announce, over the public address system, on several occasions within the first weeks of school the following message to students:

- a. “The Board of Education and the Anne Arundel County Police Department have joined in a program to eliminate the use of drugs in county schools.”
- b. The program will work as follows:
 - i. At times, unannounced and randomly selected during the school year, county police will bring to the school a dog or dogs trained to detect drugs.
 - ii. The police, the dog(s) and members of school staff will tour school buildings and grounds.
 - iii. If the dog locates a suspected source of controlled dangerous substance in a student’s possession, in a student’s locker, or in a student’s car, the student’s parents or guardians will be notified. The student will be subject to the appropriate sanctions provided in law, and to the drug procedures outlined in Administrative Regulation JI-RA.

8. Implementation Strategies

At the beginning of the school year students and parents and or guardians will be informed in writing of the pertinent laws regarding alcoholic beverages, controlled dangerous substances or other intoxicants on AACPS property.

- a. All incidents concerning possession and or use of alcoholic beverages, controlled dangerous substances or other intoxicants are to be reported to the principal or designee.
- b. If the principal or designee has reasonable cause to suspect that there may be a violation of the law, the parents and or guardians of the student will be notified and, in addition, the principal or designee must notify the appropriate law enforcement authorities. Whenever possible the student’s parents and or guardians will be notified prior to the involvement of the police.
- c. Students who use or possess alcoholic beverages, controlled dangerous substances or other intoxicants on AACPS property will be suspended or recommended for expulsion with a police referral.
- d. Students found to be in possession of alcoholic beverages, controlled dangerous substances or other intoxicants with intent to sell or distribute them on AACPS property or students engaged in the sale or distribution of

alcoholic beverages, controlled dangerous substances or other intoxicants on AACPS property will be recommended for expulsion with a police referral.

- e. If a student appears to be unable to function properly and the behavior is such that the teacher/staff is unable to determine if the cause of the problem is an alcoholic beverage, controlled dangerous substance or other intoxicants, the student should be referred to the school's health room and the principal or designee immediately notified of the action.

Regulation history: *Developed by the Superintendent 2/15/06*
 Reviewed by the Board of Education 6/12/13
 Issued 6/12/13

Note previous regulation history: Replaces Policy 908, adopted 3/5/80 and revised 5/20/91.