STUDENTS: Conduct

Alcoholic Beverages, Controlled Substances, Inhalants and Prescription and Nonprescription Drugs

I. Purpose

To implement Board of Education of Baltimore County (Board) Policy 5540, by establishing guidelines for the administration of medications in Baltimore County Public Schools (BCPS), implementing a drug educational program inform students of the negative effects of alcohol and drugs and providing notice of disciplinary action for violations.

II. Definitions

A. 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.

B. Controlled Substance – A drug or chemical whose manufacture, possession, distribution, dispensation, possession or use violates a federal, state and/or local law. A controlled substance also may include:
   1. Synthetic drugs and substances;
   2. Prescription drugs for which the student does not possess a current and valid prescription for his/her use; or
   3. Prescription or nonprescription drugs used for any purpose other than the purpose for which the drug was prescribed or sold.

C. Distribution – The actual or intended sale, transfer, trade, giving or exchange in any manner of controlled substances, alcohol, prescription or nonprescription drugs 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.

D. Drug-Free School Zone – The area within 1,000 feet of the real property of a BCPS elementary or secondary school.

E. Drug Paraphernalia – All equipment, products and materials of any kind used, intended for use of 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 substance.

F. *Inhalant* – Any substance inhaled for the purpose of intoxication, inebriation or excitement, stupefaction, or dulling of the brain or nervous system when smelled or inhaled. An inhalant includes, but is not limited to, fingernail polish, model airplane glue, solvents or aerosols.

G. *Medication Order* – The written order signed by a physician or other individual authorized by law to prescribe prescription drugs or devices.

H. *Nonprescription Drug* – Any non-narcotic drug product which may be sold without a prescription order and which is pre-packaged for use by consumers and labeled in accordance with the requirements of state and federal law.

I. *School Day* – Each day that schools are open from the opening bell signaling the commencement of the school day until the bell signaling dismissal.

J. *School Property* – Any Board-owned, controlled or leased property or vehicle, regardless of whether students are present.

K. *School-Sponsored Activity* – An activity that is sponsored, approved, conducted, planned and/or supervised by school staff regardless of whether the activity takes on or off school property or occurs during regular instructional hours.

III. Guidelines

A. The possession, use and/or distribution of alcoholic beverages, controlled substances, drug paraphernalia or inhalants in any quantity is prohibited on school property and at any school-sponsored activity.

B. Annually, school administrators shall provide notice to students, parents and staff of the contents of Policy 5540 and this rule.

C. Each school administrator, with the support of the Department of School Safety, the Department of Academics and the Department of Social-Emotional Support, shall:
RULE 5540

1. Implement a program of drug addiction and prevention education to make students aware of the physical effects and legal consequences of alcohol abuse and the use of controlled substances, inhalants and heroin and opioid addiction, including the lethal effect of fentanyl.

2. This drug addiction and prevention education program may be implemented through the health education curricular program, extracurricular programs such as drug abuse resistance education (D.A.R.E.) and through individual counseling of students.

IV. Prescription and Nonprescription Drugs

A. The possession of prescription and nonprescription drugs by students is prohibited on all school property and at any school-sponsored activity.

1. Should a student require medication during the school day or during any school-sponsored activity, the medication shall be accompanied by a medication order and administered by the school nurse or trained staff person, unless otherwise authorized by Board policy or Superintendent rule the medication is an emergency medication and the student’s physician, parent and school nurse have established a plan for the student to carry the medication.

2. School nurse approval is required prior to any student carrying and self-administering medication on school property and at school-sponsored activities.

B. A medication order must be on file for each medication to be administered to a student.

C. All prescription drugs shall be delivered to the school nurse by the student’s parent in an original prescription container labeled with the student’s name, dose/strength and specific administration directions.

D. Nonprescription drug products to be administered in school or at school-sponsored activities must be delivered to the school nurse by the student’s parent in the original manufacturer’s package and the package shall list the ingredients and recommended dosage in a legible format.

E. All medication must be administered by the school nurse or trained staff person, except as provided in paragraph IV(F).

F. Written permission from the school nurse, parent and health care provider is required before a student may carry or self-administer any specialized
medical treatments including, but not limited to, use of Epi-pen, inhalers and insulin.

G. School nurses may administer certain nonprescription medications for certain conditions with parent permission.

V. Naloxone

The Office of Health Services shall establish procedures that, at a minimum, provide for:

A. The purchase and storage of Naloxone or other overdose-reversing medication in each BCPS school; and

B. The administration of Naloxone or other overdose-reversing medication to an individual on school property who is believed to be experiencing an opioid overdose.

VI. Student Acknowledgement

A statement, whether oral or written, made by a student who is neither under the influence nor in possession of drugs and who voluntarily seeks information from any BCPS staff member to overcome any form of drug use is not admissible against the student in any disciplinary proceeding.

A. Support and resources will be offered to assist the student.

B. Should a student seek assistance under this Paragraph, no report shall be filed with the police department.

VII. Violations

A. A student found to have violated Board Policy 5540 or this rule shall be disciplined in accordance with Board Policy 5550, Student Behavior Code.

B. Any search or seizure related to a violation of this policy will be conducted in accordance with Board Policy 5570, Searches.

C. The school administrator shall report all instances of the possession, use and/or distribution of alcohol and other drugs that occurred on school
property and/or during a school-sponsored activity to the Baltimore County Police Department.

Legal References: 20 U.S.C. § 7101, et seq., Safe and Drug-free Schools and Communities Act
Annotated Code of Maryland, Criminal Law Article, Title 5
Annotated Code of Maryland, Education Article §4-124, Drug-free School Zones
Annotated Code of Maryland, Education Article §7-305, Suspension and Expulsion
Annotated Code of Maryland, Education Article §7-308, Searches of Students and Schools
Annotated Code of Maryland, Education Article §7-411, Drug Addiction and Prevention Education Program
Annotated Code of Maryland, Education Article §7-412, Preservation of Rights of Student Seeking to Overcome Drug Abuse
Annotated Code of Maryland, Education Article §7-413, Alcohol Abuse Program
Annotated Code of Maryland, Education Article §7-426.5, Guidelines for Authorization of School Personnel to Administer Naloxone
Annotated Code of Maryland, Education Article §7-428, Inhalant Abuse Training and Awareness
Annotated Code of Maryland, Education Article §26-103, Drinking or Possessing Intoxicating Beverages on School Premises
COMAR 10.27.11.05, Nursing Functions
COMAR 13A.05.05.08, School Health Services Standards – for all Students with Special Health Needs
COMAR 13A.08.01.08, Substance Use or Distribution
COMAR 13A.08.01.11, Disciplinary Action
COMAR 13A.08.01.14, Searches
COMAR 13A.08.01.15, Reporting Delinquent Acts

Related Policies: Board of Education Policy 3160, Review and Approval of School-Sponsored Activities
Board of Education Policy 5570, Searches
Board of Education Policy 5550, Student Behavior Code
Board of Education Policy 5560, Suspensions and Expulsions
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Board of Education Policy 5600, Students’ Responsibilities and Rights
Board of Education Policy 6702, Extracurricular Activities
Board of Education Policy 6800, Field Trips and Foreign Travel Study Programs

Related Rule: Superintendent’s Rule 6801, Cultural Exchange

Rule
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