

EXHIBIT MONTGOMERY COUNTY PUBLIC SCHOOLS

Drinking or Possessing Intoxicating Beverages on School Premises (State Law) and Substance Use or Distribution (State Regulation)

(a) *Prohibited conduct.* –

- (1) 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.
- (2) 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 may not be charged under this paragraph.

(b) *Penalty.* –

- (1) Any person under 18 years of age who violates the provisions of this section shall be issued a citation and be subject to the dispositions for a violation under Title 3, Subtitle 8A of the Courts Article.
- (2) Any person 18 years old or older violating the provisions of this section shall be issued a citation and be subject to §10-119 of the Criminal Law Article.

Source: Annotated Code of Maryland, Education Article, Section 26-103.

Exhibit History: January 1983; revised June 1989; revised October 2007.

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Substance Use and Distribution (State Regulation)

.08 Substance Use or Distribution.

- A. Alcohol and Other Drugs. Students are prohibited from possessing or using, or both, alcohol or other drugs without a physician's prescription, in any form on the school premises.
- B. Tobacco. Students are prohibited from possessing or using tobacco in any form on the school premises.
- C. Alcohol and Other Drugs Policy, Consistent with Regulations .11–.15 of this chapter, COMAR 13A.08.02, and other applicable law, a local board of education shall adopt a policy on alcohol and other drug use or possession, or both, by students, which shall address at least the following areas:
 - (1) Purpose;
 - (2) Definition of terms;
 - (3) Rules for student behavior;
 - (4) Student referral procedures;
 - (5) Procedures for investigating policy violations;
 - (6) Due process requirements;
 - (7) Provision of emergency medical care;
 - (8) Confidentiality of students' educational records;
 - (9) Alcohol and other drugs policy dissemination;
 - (10) Staff training; and
 - (11) Drug education curriculum.
- D. Coordination with Local Law Enforcement.
 - (1) The local board of education shall notify local law enforcement officials of

the local board of education's alcohol and other drugs policy.

- (2) The local board of education, to the extent possible and consistent with applicable law, shall coordinate efforts with local law enforcement officials to:
 - (a) Prevent alcohol and other drug abuse by students;
 - (b) Detect the possession of alcohol or illegal drugs by students on school premises;
 - (c) Adopt standard operating procedures regarding the reporting of activity related to alcohol and other drug abuse on school premises;
 - (d) Adopt standard operating procedures regarding the investigation of activity related to alcohol and other drug abuse on school premises;
and
 - (e) Adopt standard operating procedures regarding the seizure and storage of contraband.

Source: Code of Maryland Regulations, 13A.08.01.08.

Exhibit History: June 1989; revised October 2007.