

# EXHIBIT MONTGOMERY COUNTY PUBLIC SCHOOLS

---

## Alcohol, Tobacco, and Other Drugs on Montgomery County Public Schools Property (State laws and regulations)

### Sources:

#### *Code of Maryland Regulations (COMAR)*

- 13A.08.01.08, Substance use or distribution; and
- 13A.02.04.01-.05, Tobacco-free school environment

#### Annotated Code of Maryland (Ann. Code of Md.)

- *Education Article (ED)* §26-103, Drinking or possessing intoxicating beverages on school premises; and ED §7-412,
- Preservation of rights of students seeking to overcome drug abuse;
- *Health – General Article (HG)* §8-101(i), Definitions, Drug
- *Criminal Law Article (CR)* §5-627(a) and (b), Controlled dangerous substance near school

. . . . .

### **COMAR 13A.08.01.08 Substance Use and Distribution (State Regulation)**

- 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.

*MCPS Exhibit History:* June 1989; revised October 2007; reviewed September 2013.

**COMAR 13A.02.04.01-.06, Tobacco free school environment (State Regulation)**

.01 Scope

These regulations require each local school system to maintain a tobacco-free school environment

.02 Definitions

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined

- (1) “Official school day” means the regular school day with a designated starting time and ending time as defined by the local school system
- (2) “School buildings” means local school system owned or leased building.
- (3) “School grounds” means local school system owned or leased land that surrounds a school building
- (4) Tobacco
  - (a) “Tobacco” means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed.
  - (b) “Tobacco” does not include nicotine replacement therapy.

.03 Tobacco Use

The sale or use of tobacco in any form is prohibited in school buildings at all times. In addition, the sale or use of tobacco in any form is prohibited on school grounds during the official school day.

.04 Notification of a Tobacco-Free Environment

Each local school system shall post notification to students, staff, and the general public that school buildings and grounds are tobacco-free.

.05 Tobacco-Free Guidelines

The State Department of Education shall develop guidelines to assist the local school systems in implementing a tobacco-free environment.

.06 Smoking Cessation Classes

Each local school systems encouraged to make smoking cessation classes available to all employees.

.07 Certification Procedures

By September 1, 1993, each local superintendent of schools shall certify in writing to the State Superintendent of Schools that regulations in this chapter are implemented.

*MCPS Exhibit History:* Formerly MCPS Exhibit COH-EA, Tobacco-free school environment; reviewed September 2013

. . . . .

**Ann. Code of Md., ED § 26-103, Drinking or possessing intoxicating beverages on school premises (State Law)**

(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.

*MCPS Exhibit History:* January 1983; revised June 1989; revised October 2007, reviewed September 2013

Ann. Code of Md., ED §7-412, Preservation of rights of student seeking to overcome drug abuse (State Law)

- (a) Inadmissibility of statement of student. – If a student seeks information to overcome any form of drug abuse, as defined in §8-101 of the *Health – General Article*, from a teacher, counselor, principal, or other professional educator employed by an educational institution that has received a certificate of approval under §2-206 of this article, a statement whether oral or written, made by the student or an observation or conclusion derived from the statement is not admissible against the student in any proceeding.
- (b) Rules and regulations may not require disclosure. – A rule, regulation, or order may not require disclosure of any report, statement, observation, conclusion, or other information that has been assembled or obtained by an educator through this contact.

MCPS Exhibit History: Formerly MCPS Exhibit IGO-EA, revised September 2013

Ann. Code of Md., HG §8-101, Definitions (State Law)

- (i) Drug. – “Drug” means:
  - (1) A controlled dangerous substance that is regulated under the Maryland Controlled Dangerous Substances Act;
  - (2) A prescription medication; or
  - (3) A chemical substance when used for unintended and harmful purposes.

MCPS Exhibit History: New exhibit September 2013

Ann. Code of Md., CR Article §5-627, Controlled dangerous substance near school (State Law)

- (a) Prohibited. – A person may not manufacture, distribute, dispense, or possess with intent to distribute a controlled dangerous substance in violation of §5-602 of this subtitle or conspired to commit any of these crimes:

- (1) in a school vehicle, as defined under §11-154 of the *Transportation Article*; or
  - (2) in, on, or within 1,000 feet of real property owned by or leased to an elementary school, secondary school, or county board and used for elementary or secondary education.
- (b) Application of subsection (a). – Subsection (a) of this section applies whether or not:
- (1) school was in session at the time of the crime; or
  - (2) the real property was being used for purposes other than school purposes at the time of the crime

*MCPS Exhibit History:* New exhibit September 2013