

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: COB-RA, COC-RA, COF-RA, IGN, IGO-EA, IJA-RA

Responsible Office: Deputy Superintendent of Schools

Guidelines for Drug/Alcohol Abuse Counseling

I. PURPOSE

To establish procedures for school personnel to deal with incidents of drug/alcohol abuse and to provide background information concerning the laws on possession of drugs on school grounds

II. BACKGROUND

The Annotated Code of Maryland contains two major areas dealing with the control of drugs and drug/alcohol abuse. These provisions are far too numerous and lengthy to reproduce in this regulation; therefore, a few essential sections most applicable to school operations are summarized.

The principal drug/alcohol law is found in Article 27 of *The Annotated Code of Maryland*, Volume 34 (1976 Replacement) and the 1981 Cumulative Supplement, which contains the provisions from Sections 276 through 302, inclusive. The title of these sections is "Health – Controlled Dangerous Substances." Among its other provisions, the act creates a "uniform law controlling the manufacture, distribution, possession, and administration of controlled dangerous substances and related paraphernalia." Essentially the law prohibits the manufacture, distribution, possession, and use of all drugs except for those carefully controlled and specifically authorized for purposes set forth in the act. Not only does this prohibition cover drugs but also the apparatus needed to make and administer them. It is noted that this specific act does not cover alcohol abuse but does include prohibition of the use of substances that when inhaled produce intoxication. The prohibition of any intoxicating beverage on school property is stated in Section 26-103 of *The Annotated Code of Maryland, Education*.

Article 43B of *The Annotated Code of Maryland*, Volume 4B (1980 Replacement), 1981 Cumulative Supplement, entitled "Comprehensive Drug/Alcohol Abuse Control and Rehabilitation Act," establishes the basic policy of the state toward drug/alcohol abusers. The code establishes a Drug/Alcohol Abuse Authority, creates procedures for treatment and rehabilitation, and encourages an attitude of treatment rather than punishment for abusers. It

is helpful to look at Section 2(d) of this act to understand the meaning of the expression "drug/alcohol abuse" which is the term widely used to identify the subject of this regulation and which may be interpreted in different ways. Drug/alcohol abuse is defined as "any unauthorized use, misuse, dependence on, or experimentation with any controlled dangerous substance, whose use is either prohibited or regulated by §§276 through 302 of Article 27." The emphasis of this act is followed very clearly in *The Annotated Code of Maryland, Education*, Section 7-410, the so called privileged communication act encouraging students to seek help from educators in overcoming their drug/alcohol abuse problems. The embodying spirit of this act is also incorporated in both the policy statement of the local Board and the State Board of Education guidelines referred to elsewhere in this regulation.

III. PROCEDURES

A. Students

1. All employees of the school system are expected to convey by their actions and words that they do not in any way encourage or condone illegal drug/alcohol use.
2. In the general classroom situation, teachers should not attempt to diagnose symptoms of drug/alcohol use. If in the judgment of the teacher a student is incapable of functioning properly in class, that student should be sent to the school health facility where school health referral procedures should be followed.
3. All incidents concerning possession, use, or distribution of illegal drugs/alcohol on school grounds will be reported to the principal. If the principal finds violations of the law, they are reported to the parents (guardians) of the student and to Uniformed Division of the Montgomery County Police Department. (Telephone 911).
4. Students who distribute, possess, or use illegal drugs/alcohol on school premises shall be suspended or expelled, subject to the same review procedures as those used in any other disciplinary action.
5. Using MCPS Forms 270-4: *Confidential Report of a Drug/Alcohol Related Incident*, and 270-5: *Confirmed Monthly Drug/Alcohol Incident Report Confidential*, the principal will report confirmed use of drugs/alcohol by students.
6. State law encourages students to consult with educators on drug/alcohol abuse problems. The law affords protection to the student who seeks information or counseling on how to overcome drug/alcohol abuse problems.

Information received or observations made by the educator during a drug/alcohol counseling or student information session is privileged. The student should be encouraged at the earliest appropriate time to seek help from his/her parents (guardians). The decision to involve parents (guardians) should be arrived at jointly by the student and educator unless in the judgment of the educator, the mental or physical health of the student is immediately and dangerously threatened by drug/alcohol use. If such danger is imminent, the parents (guardians) and school health officer should be notified so that appropriate medical action may be taken. As in the performance of any professional role, failure to act reasonably in a drug/alcohol counseling case may subject the educator to civil liability.

7. If an educator comes into possession of a suspected drug, the material will be handled in the following manner:
 - a) The substance should be placed in an envelope or otherwise contained and sealed.
 - b) The date, time, and nature of how it was obtained should be indicated on the container. If the material was acquired during a counseling information-seeking conference, the name of the person from whom the suspected drug/alcohol was received shall not be noted. In other circumstances it will.
 - c) The suspected drugs will be turned over to the principal who will contact the police.

B. Employees and Others

1. All incidents involving a suspected violation of the law dealing with drugs shall be promptly reported to the principal.
2. If the principal finds a violation of the law, it is reported to the police. In a case involving an employee, the Director of Personnel Services is also notified.
3. All referrals to the police shall be reported on MCPS Form 270-3: *Report of a Serious School Incident*.
4. Any illegal action relating to drugs by any school system employee constitutes grounds for immediate dismissal.

IV. OTHER REGULATIONS

In addition to the above procedures and policy statements, teachers and administrators may find it necessary to refer to additional regulations in dealing with drug/alcohol related incidents.

Administrative History: Formerly Regulation No. 285-10, December 29, 1976, revised October 1986; Technical Edit April 13, 2011.