

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

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<b>Subject:</b>  Student Alcohol and Drug Abuse	<b>Date Approved:</b> December 17, 1991 July 20, 2004 February 21, 2006 March 17, 2009, August 16, 2011, September 15, 2014 <b>Date Effective:</b> December 17, 1991 July 20, 2004, February 21, 2006 March 17, 2009, August 16, 2011, September 15, 2014

## 1. PURPOSE

Somerset County Board of Education policy, as well as administrative and disciplinary regulations, is designed to support the concept that substance abuse is both a health care problem as well as an illegal act. The Board of Education is committed to promoting a drug free academic environment which is conducive to learning. In all cases of drug and alcohol related violations, parents and students are advised that appropriate law enforcement agencies will be immediately contacted by school officials upon the discovery of any alcohol/drug use, possession of or distribution in any school, on any school property or during any school sponsored function.

## 2. GUIDELINES

The use, possession, manufacture or distribution of a controlled dangerous substance, controlled paraphernalia, look-alike drugs, unauthorized legal drugs and alcohol by Somerset County Public School students on school property, school bus, and/ or at a school-sponsored activity are strictly prohibited. Law enforcement officials will be involved when a violation of this alcohol/drug policy occurs on school property or at a school function. School administrators will also treat violations of this policy as a serious school disciplinary infraction.

- (1) The rules of the Student Alcohol and Drug Use Policy pertain to the following prohibited conduct:
  - (a) Possession of illegal drugs (including alcohol);

- (b) Possession of legal drugs that a student has not been authorized to possess or ingest by a doctor;
  - (c) Possession of paraphernalia;
  - (d) Ingestion of an illegal, imitation or unauthorized legal drug in such a manner that it causes or reasonably will cause the student to be under the influence of that drug;
  - (e) Possession in such quantities that a reasonable inference can be drawn that the student intends or intended to distribute the drugs;
  - (f) Possession of imitation drugs in such quantity that a reasonable inference can be drawn that the student intended to distribute the false drugs;
  - (g) Actual distribution of drugs;
  - (h) Conduct from which a reasonable inference can be drawn that it is a substantial part of a deal or distribution scheme, the actual tender of which will or did take place under circumstances to which the rules of student behavior do not apply; and
  - (i) Any conduct that would be a drug-related crime if the student is over 18 or that would be a juvenile offense if the student is a minor.
- (2) Students who are found to be in violation of the Student Alcohol and Drug Use Policy will be subjected to the disciplinary measures that are outlined in the student discipline policy “*Tiers of Intervention and Disciplinary Responses Matrix*” (see Policy #600-17, Administrative Procedures).
- (a) Students with Disabilities:
- A student with a disability may be removed for more than 10 school days at a time for a violation of school rules, to the same extent removal is applied to students without disabilities, if the student’s IEP team determines the behavior subject to the removal is not a manifestation of the student’s disability. If the violation of the school rules is not a manifestation of the student’s disability, the student may be removed, but the student must continue to receive educational services in another setting, and receive, as appropriate, a Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP), or modifications to an existing BIP, designed to address the behavioral violation and to prevent its recurrence pursuant to COMAR.
  - When these removals (10 days or less at one time) accumulate to more than 10 days in a school year, school personnel determine the extent of services needed to enable the student to progress in a general curriculum towards the IEP goals.
  - On the date a student with a disability is removed from the student’s current placement for a violation of a code of student conduct, for more than 10 consecutive days or a change of placement, school personnel shall notify the parents of the decision and provide the parents with the procedural safeguards notice.
  - Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern
  - Within 10 school days of any decision to change the placement, the IEP team must review all relevant information in the students’ file, any teacher observation and any relevant information provided by the parents to determine: the conduct was

caused by or had a direct and substantial relationship to the student's disability or; If the conduct in question was the direct result of the public agency's failure to implement the IEP.

- If the IEP team determines that either of the above statements is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- If the conduct was a manifestation of the student's disability, the IEP team must:
- Conduct a functional behavioral assessment and a behavioral intervention plan for the student, if the school had not previously done so;
- In the situation where a behavior intervention plan has been developed, review the behavior intervention plan and modify it, as necessary to address the behavior; and
- Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, except when the student has been removed to an interim alternative education setting for up to 45 days for drugs, weapon, or serious bodily injury.

(b) Referrals for alcohol/drug education program - Referrals will be made to the addiction unit of the Somerset County Health Department; however, parents may seek assistance, counseling or treatment through other approved alcohol/drug treatment programs.

- (3) These rules of student behavior apply to students who are on school premises at any time or when the student is involved in a school related activity (e.g., athletic event, field trip, dance, spectator at an athletic event, etc.)
- (a) Participation in extracurricular activities and public performances, and holding student leadership positions are regarded as privileges. Students participating in such activities and/or performances are subject to reasonable rules of conduct and training.
  - (b) Any student who violates these rules will be subject to consequences outlined in the "Tiers of Intervention and Disciplinary Responses Matrix" (see policy 600-17, Administrative Procedures). This could also include denial or restriction for a period of time.
- (4) Staff Training - Somerset County high school staff members will receive annual in-service training on school alcohol and other drug use policy and resources to refer students who are suspected of using or being under the influence of alcohol or drugs.
- (5) Alcohol and Other Drug Education Curriculum - Somerset County Public Schools will coordinate with the local health department and local law enforcement agencies to provide age appropriate curriculum for students and staff.
- (6) Due Process Requirements - In any case where a student may be disciplined for a violation of the Somerset County Board of Education Student Alcohol and Drug Use Policy, the student's right of due process will be insured (see policy #600-17).