

REGULATION **MONTGOMERY COUNTY PUBLIC SCHOOLS**

Related Entries: COB-RA, COC-RA, COF-EA, COF-RA, GDD-RA, IGN, IJA-RA, JFA-RA, JGA-RB, JGA-RC, JGB-RA, JPC-RA, JPD-RC

Responsible Office: Office of School Support and Well-being; Office of the School System Medical Officer; Office of the Chief Operating Officer

Guidelines for Incidents of Alcohol, Cannabis, Tobacco, and Other Drug Use Involving Students

I. PURPOSE

To establish procedures for incidents of alcohol, cannabis, tobacco, and other drug use or smoking involving students

II. DEFINITIONS

- A. *Drug* is defined in Maryland law as a controlled dangerous substance that is regulated under the *Maryland Controlled Dangerous Substances Act*, a prescription medication, or a chemical substance when used for unintended and harmful purposes.
- B. A Montgomery County Public Schools (MCPS) *property* means any school or other facility, including grounds owned or operated by MCPS, MCPS buses and other MCPS vehicles, and the facility and/or grounds of any MCPS-sponsored activity involving students.
- C. *Smoking* means to use or carry any lighted cigar, cigarette, pipe, or other tobacco product of any kind. This includes devices of any kind that simulate smoking.

III. PROCEDURES

- A. Prohibited Student Uses

1. Students, including students 21 and over, are prohibited from using products on MCPS property that may not be consumed legally in Maryland by individuals under the age of 21. This includes, but is not limited to—
 - a) alcohol,
 - b) tobacco (including electronic smoking devices and liquids used in them, regardless of nicotine content, and including accessories and components); and
 - c) cannabis, cannabis concentrate, cannabis products, or cannabis-infused products, as defined in Maryland law.

2. With certain exemptions, specified in MCPS Regulation JPC-RA, *Administration of Medication to Students*, students are prohibited from self-carrying medications. Under no circumstances are students permitted to self-carry cannabis for medical use or medications that are controlled substances, including stimulant medications for attention-deficit/hyperactivity disorder.

3. As set forth in MCPS Regulation JPD-RC, *Emergency Care for Individuals Experiencing Symptoms of Opioid Overdose*, students who carry naloxone on MCPS property and during school-sponsored activities are not subject to disciplinary action solely for carrying naloxone. When students observe a suspected opioid overdose, they are strongly encouraged to seek the assistance of DHHS or MCPS personnel, and/or contact 911.

B. Communication

At the beginning of the school year, students and parents/guardians will be informed in writing of Montgomery County Board of Education policies, MCPS regulations, and pertinent laws designed to create a smoke-free environment for teaching, learning, and working that is free of alcohol, cannabis, tobacco, and other drugs.

C. Identification and Assistance

1. If, in the judgment of the student’s teacher, a student is exhibiting health-related symptoms or acting erratically such that they are incapable of functioning properly in class, that student is sent to the school health facility where school health referral procedures are followed and the principal is notified.

2. State law affords certain protections to a student who seeks information or counseling on how to overcome substance-use problems from a teacher, counselor, principal, or other professional educator. Information received or observations made during such a counseling or student information session are kept confidential and are not admissible in any proceeding.
3. The student should be encouraged, at the earliest appropriate time, to seek help from their 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 substance use. If such danger is imminent, the principal, parents and/or guardians, and school community health nurse/technician should be notified so that appropriate medical action may be taken.

D. Reporting

1. All incidents concerning possession, use, or distribution of alcohol, cannabis, tobacco, or other drugs or smoking on MCPS property are reported to the principal/director or designee.
2. If the principal/director or designee has reasonable cause to suspect there may be a violation of the law, it is considered a serious incident, and they should follow protocols set forth in MCPS Regulation COB-RA, *Incident Reporting*, for notifying parents/guardians, appropriate MCPS offices, law enforcement or emergency services; reporting the incident; and releasing information, as appropriate.

E. Handling Suspicious Materials

MCPS employees are reminded to consult with the Office of Systemwide Safety and Emergency Management (OSSEM) and/or MCPS Regulation JGB-RA, *Search and Seizure*, with any questions regarding search of student possessions. If an MCPS employee comes into possession of a substance they suspect to be alcohol, cannabis, or another drug, the material is handled in the following manner:

1. Using appropriate safety procedures, as outlined by OSSEM, the substance is placed in an envelope or otherwise contained and sealed.
2. The date, time, and nature of how it was obtained is indicated on the container. However, if the material was acquired from a student during a drug counseling or information-seeking conference, the name of the student from whom the suspected drug was received is not noted.

3. The suspected substances is turned over to the principal/director or designee who will follow procedures set forth in the MOU-CEO and MCPS Regulation COB-RA, *Incident Reporting*. The MOU-CEO establishes that law enforcement may take the lead in investigating –
 - (1) distribution or manufacture of, or
 - (2) possession of, or
 - (3) possession with the intent to distribute a controlled dangerous substance.

4. Student possession of a substance that poses a serious threat to the safety of the school, or possession of a sufficient quantity reasonably to indicate more than personal use, may be considered cause for elevating the disciplinary response indicated for possession in the *Student Code of Conduct in MCPS*.

To determine whether the substance poses a serious threat to the safety of the school, or is in a sufficient quantity reasonably to indicate more than personal use, the superintendent of schools/designee may consult with appropriate subject-matter experts (who may include external experts).

F. Consequences

1. Students who possess, use, or distribute, alcohol, cannabis, tobacco, or other drugs on MCPS property shall be disciplined in accordance with the *Student Code of Conduct in MCPS*.

2. As a condition for participating in extracurricular activities or accepting leadership positions in school-sponsored groups, a student may be required to agree to additional restrictions and consequences for alcohol, cannabis, tobacco, or other substance use on locations other than MCPS property.

Related Sources: Annotated Code of Maryland, Criminal Law Article §5-101, §5-602, §5-602, §5-624, and 5-627(a); Education Article §7-412 and § 26-103; Health-General Article §8-101 (i); Alcoholic Beverages and Cannabis Article; Code of Maryland Regulations 09.12.23.01

Regulation History: Formerly MCPS Regulation No. 285-10, December 29, 1976; revised October 1986; revised December 19, 2013; revised August 11, 2014; revised July 19, 2023.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.**

For inquiries or complaints about discrimination against MCPS students*	For inquiries or complaints about discrimination against MCPS staff*
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of School Support and Well-being Office of Well-being, Learning and Achievement 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-5630 504@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff*	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 850 Hungerford Drive, Room 55, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

**Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.*

***This notification complies with the federal Elementary and Secondary Education Act, as amended.*

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.