

Effective: July 1, 2022

Policy Outline

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I. Policy Value Statement

The Board of Education of Howard County is committed to promoting and providing an alcohol, drug, and tobacco free academic environment for all students that maintains appropriate safeguards for the administration of prescription medication and over-the-counter medication. The Board of Education of Howard County believes that collaboration with parents and the larger community is essential to its success in providing this safe and nurturing environment.

The Board acknowledges that the Howard County Public School System (HCPSS) must ensure a school environment that promotes and protects students' and employees' health and ability to learn. School system efforts to deter the use of alcohol, drugs, and tobacco by students will include a comprehensive program that provides appropriate support and intervention services designed to inform students of the negative effects of alcohol, drug, and tobacco use, as well as appropriate consequences for students who violate this policy. The Board believes that schools have a responsibility to help students develop the skills, knowledge, and attitudes necessary to adopt and maintain healthy lifestyles.

II. Purpose

The purpose of this policy is to establish the educational and disciplinary parameters needed to maintain an alcohol, drug, and tobacco free environment.

III. Standards

A. General

1. The use, sale, promotion, or distribution of any tobacco product, cigarette rolling papers, or electronic smoking devices by students, HCPSS employees, and visitors is prohibited at all times and on all property owned, leased, or under the control or sponsored by HCPSS at all times. This includes, but is not limited to indoor and outdoor grounds, walkways and sidewalks, parking lots, buses, school system vehicles, school trips, and virtual classrooms. The prohibition extends to the entire time individuals attend the activity, including during transport. Tobacco products possessed by HCPSS employees should not be visible to students.
2. The use, sale, promotion, possession, (including constructive possession), or distribution of alcohol or drugs, by students, HCPSS employees, and visitors, on school property or at school-related activities is prohibited at all times.
3. Prescription medication and over-the-counter medication for students require written medication orders from a licensed prescriber and are to be administered in accordance with medication administration guidelines. (Consult the Howard County Public Schools Health Services Manual for procedures and exceptions).

B. Curriculum

1. The HCPSS has developed its Health Education curriculum to conform to state and federal mandates for Safe, Drug-Free, and Tobacco-Free Schools. The goal of the Health Education curriculum is for students to demonstrate the ability to utilize knowledge of alcohol, drugs, and tobacco to develop skills and attitudes that promote a safe and drug free living.
2. The Health Education curriculum:
 - a. Utilizes a skills-based approach to prevent substance use and abuse/misuse through analyzing influences, accessing information, decision making, goal setting, interpersonal communication, self-management, and advocacy skills;
 - b. Provides students with functional information on the protective factors, risk factors, and consequences of substance use and abuse/misuse;
 - c. Utilizes participatory teaching methods such as role plays, discussions, brainstorming and cooperative learning to develop health literacy.

C. Employee Training

The HCPSS will provide training on the provisions of this policy and the implementation procedures for its employees. This training will address:

1. Employee responsibility regarding the requirements and implementation of this policy.
2. Early identification of students suspected to be at risk of using/abusing alcohol, drugs, and/or tobacco.

IV. Responsibilities

- A. The Superintendent/designee and school administrators will inform students, parents, employees, and the public that school buildings and school properties are alcohol, drug, and tobacco free and will communicate the provisions of this policy on an annual basis.
- B. The Superintendent/designee will regularly monitor the health education program regarding the use, abuse, and misuse of alcohol, drugs, and tobacco to help students focus on health prevention concepts and to practice life skills in a safe and supportive environment.
- C. The Superintendent/designee and administrators will implement this policy.
- D. The Superintendent/designee will provide a report annually to the Board reviewing the effectiveness of the implementation of this policy and SAP procedures, as well as an accounting of policy violations.

V. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures for the implementation of this policy.

VI. Definitions

Within the context of this policy, the following definitions apply:

- A. Alcohol – Ale, beer, wine, whiskey, rum, gin, or any other spirituous, vinous, malt, or fermented liquor or compound by whatever name it is called. This includes any product that contains the aforementioned liquors or compounds.
- B. Constructive Possession – Having both knowledge of the presence of alcohol, drugs, and/or drug paraphernalia, prescription medication, over-the-counter medication, tobacco, or electronic smoking devices and the ability to control/use them, without having actual physical possession. More than one person may have constructive possession at the same time.
- C. Distribution – The actual or intended sale, transfer, trade, giving, exchange, and/or dispensing in any manner of alcohol, drugs and/or drug paraphernalia, prescription medication, over-the-counter medication, tobacco, or electronic smoking devices.

Distribution does not include circumstances where a prohibited substance is possessed or owned collectively by all participants.

- D. Drug – A controlled dangerous substance as listed in Section 5-101(g) of the Criminal Law Article of the Annotated Code of Maryland or a chemical substance when abused or used for unintended and harmful purposes.
- E. Electronic Smoking Devices (ESD) – Any handheld electronic device including but not limited to e-cigarettes, pipes, pens, hookahs, electronic nicotine delivery systems (ENDs) and other devices used for vaping and/or smoking.
- F. Inhalant – Any substance inhaled for the purpose of inducing a condition of intoxication, inebriation or excitement, or otherwise impairs one’s mental faculties.
- G. Intent to Distribute – Possession of alcohol, drugs and/or drug paraphernalia, prescription medication, over-the-counter medication, tobacco or electronic smoking device(s), in or on any item or belonging under the control of the individual or owned by the individual, in such quantity and under such circumstances, observed or discovered, indicating the strong likelihood of distribution.
- H. Over-the-Counter Medication – Medication available without a prescription.
- I. Paraphernalia/Drug Paraphernalia – Any equipment or material of any kind that is used or intended for use in manufacturing, packaging, storing, concealing, and/or introducing a drug into the human body. Drug paraphernalia will also include those items listed in Section 5-101(p) of the Criminal Law Article of the Annotated Code of Maryland.
- J. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
 - 1. Biological Parent – A natural parent whose parental rights have not been terminated.
 - 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 - 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 - 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c)

(Informal Kinship Care) or has been issued a U.S. Department of Health and Human Service's Office of Refugee Resettlement (ORR) Verification of Release form entering into a custodial arrangement with the federal government.

6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- K. Possession – The presence of alcohol, drugs and/or drug paraphernalia, prescription medication, over-the-counter medication, tobacco or electronic smoking device(s), however small the amount, in or on any item or belonging under the control of the individual or owned by the individual.
- L. Prescription Medication – Substances that under federal law may not be dispensed obtained without a prescription or written certification authorized by a person licensed by the state to do so.
- M. School Bus Stop – A designated location where students board and are discharged from a school bus.
- N. School-Related Activity – Any school system activity, whether held on or off school property, in which a student directly participates (e.g., school field trip, athletic event, or class/graduation activity), or in which the student does not directly participate but represents the school or student body simply by being there (e.g., spectator at a school event).
- O. School System Property – Any property owned or leased by the HCPSS or used by HCPSS for school-related activities. The concept of property extends to school activities such as field trips, use of parks and recreation facilities, proms at hotels, etc. School buses, school bus stops, and facilities scheduled by the school system for student use are considered an extension of school property.
- P. Tobacco – Products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed, as well as vaping products containing nicotine derived from tobacco. This does not include nicotine replacement therapy.
- Q. Tobacco Free Environment – An environment free of tobacco, nicotine, or tobacco-like product, plant or substance, whether natural or synthetic, in any manner or in any form.
- R. Use – 1) A deliberate act of ingesting, injecting, inhaling, absorbing, and/or otherwise introducing into the human body alcohol or drugs; 2) A condition or state of being under the influence of alcohol or drugs. 3) A deliberate act of inhaling or exhaling the fumes of tobacco or any tobacco product that can be utilized like tobacco, including but not limited to snuff, chewing tobacco, herbs, spices, and the like in the mouth or nose.
- S. Vaping – The act of inhaling any products through any electronic smoking device.

- T. Written Medication Order – A written order written by a licensed prescriber, defined in the Howard County Health Services Manual, required for the administration of prescription medication and over-the-counter medication to students during school hours and at school-related events.

VII. References

- A. Legal
 Md. Ann. Code, Criminal Law Article, Sections 5-401 through 5-406, Dangerous Substances, Prescriptions, and Other Substances
 Md. Ann. Code, Criminal Law Article, Section 10-107
 (Distribution of tobacco product or paraphernalia to minor) and Section 10-108
 (Possession of tobacco product by minor; use of false identification)
 Md. Ann. Code, Education Article:
 Section 6-108 (School Employees - Immunity from Civil Liability);
 Section 7-412 (Preservation of Rights of Student Seeking to Overcome Drug Abuse);
 Section 7-411 (Drug Education Program);
 Section 7-413 (Alcohol Abuse Program);
 Section 7-305 (Suspension and Expulsion);
 Section 7-308 (Searches of Students and Schools);
 Section 26-103 (Drinking or Possessing Intoxicating Beverages on School Premises)
 COMAR 13A.02.04, Tobacco-Free School Environment
 COMAR 13A.08.01.08 Substance Use or Distribution
 COMAR 13A.08.01.11 Disciplinary Action
 COMAR 13A.08.01.15 Reporting Delinquent Acts
 Maryland Clean Indoor Air Act, MD. Annotated Code, Health-General Article, Section 24-501, *et seq.*
 Howard County Code of Ordinances, Section 12-600, *et seq.*, Smoking in Public Places
- B. Board Policies
 Policy 3020 Trespassing or Willful Disturbance
 Policy 5100 Health Services
 Policy 7030 Employee Conduct and Discipline
 Policy 7040 Alcohol Use by Employees
 Policy 7050 Use of Drugs and Drug Paraphernalia by Employees
 Policy 9020 Students' Rights and Responsibilities
 Policy 9200 Student Discipline
 Policy 10020 Use of School Facilities
- C. Relevant Data Sources
- D. Other
 HCPSS Student Code of Conduct

VIII. History¹

ADOPTED: June 24, 1993
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REVISED: April 16, 2009
 April 6, 2017
 May 12, 2022
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¹ Key: *Adopted*-Original date the Board took action to approve a policy; *Reviewed*-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; *Modified*-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; *Revised*-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; *Effective*-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

I. Notifications

- A. The Superintendent/designee and school administrators will inform all students, employees, and the public annually, and as deemed necessary, of the provisions of this policy in order to maintain an alcohol, drug and tobacco free environment.

All Students will be notified of the provisions of this policy in writing and will be asked to acknowledge receipt of such notification. School-based administrators will monitor the acknowledgment of such notification.

Additional notification will be provided to all students through one or more of the following means:

1. Given via an announcement over the public address system at the beginning of the school year and at other times deemed appropriate.
 2. Published in the school newsletter and/or in student/faculty handbooks, etc.
 3. Posted for students and employees through email, social media, school website or other electronic news, and bulletin boards in the main office, teachers' lounge, guidance office, health room, bathroom, and other commonly used areas.
 4. Included in school lunch menus.
 5. Provided to new students and parents through the registration process.
 6. Provided to students and parents at Back to School Nights.
- B. A sign will be clearly posted at the entryway of all school system buildings and grounds to inform students, employees, parents, and the public of the alcohol, drug, and tobacco free environment.
- C. New employees, volunteers, and vendors will be informed of this policy during orientation.
- D. Policy 10020 Use of School Facilities will include information regarding maintaining an alcohol, drug, and tobacco free environment.

- E. The Superintendent/designee will:
1. Notify local law enforcement officials of this policy.
 2. Coordinate efforts with local law enforcement officials to:
 - a. Prevent alcohol, drug, and tobacco use by students.
 - b. Detect policy violations.
 - c. Adopt procedures for reporting policy violations.
 - d. Adopt procedures for investigating suspected policy violations.
 - e. Adopt procedures for seizing and storing confiscated alcohol, drug, and tobacco.
 - f. Utilize School Resource Officers (SROs) in support of safe alcohol, drug, and tobacco free schools.

II. Student Well-Being, Support, and Intervention

The HCPSS will promptly respond when there is knowledge of alcohol, drug, and/or tobacco use in its school environment. Prior to any disciplinary action, the HCPSS will respond to alcohol, drug, and/or tobacco use, distribution, and/or possession by providing supportive actions to ensure that learning opportunities exist for students to understand the infraction, its consequences, and choices they have to navigate through the root causes of the concern.

Supportive actions include, but are not limited to: Free, non-disciplinary, non-punitive, individualized services such as counseling; mental health services referral, course modifications; schedule changes; increased monitoring or supervision; parent conferences, referral to the Student Support Team (SST), and referral to Student Assistance Program (SAP).

A. Student Assistance Program (SAP)

SAP is an intervention program used in schools that provides a systematic procedure of early identification, intervention, referral and follow-up for students displaying potentially unsafe behaviors related to involvement with alcohol, drugs, and tobacco.

SAP provides a vehicle for the implementation of Policy 1050 Alcohol, Drugs, and Tobacco Free Environment.

The goal of SAP is to identify and refer those students whose immediate health and safety may be compromised by involvement with substances. Concerned school staff members can consult with the SAP Liaison or an SST member regarding their concerns and complete an SST referral form. Parents and students who are concerned should refer to student services staff or administration and may complete a Student Assistance Form (see Appendix A) and submit to an SST member.

B. Student Support Teams (SST)

SSTs are a component of every school in the HCPSS and provide a structured process to identify students' social-emotional, academic, and/or behavioral needs. They connect students and families with appropriate resources and facilitate coordination of care.

The referral to SST provides a vehicle for the implementation of Policy 1050 Alcohol, Drugs, and Tobacco Free Environment when an employee has a student concern about potential substance use. Steps involve teachers completing a behavior checklist and follow-up discussion with the members of the SST.

III. Investigation

- A. All HCPSS employees are required to report immediately if a student is suspected of being under the influence or suspected drug-induced illness to the school administrator. The school administrator will escort the student to the health room. If appropriate, health services staff will determine whether to administer ~~for~~ an HCPSS screening assessment. This assessment can be started by the school health assistance, but must be completed by a registered nurse. Nurses and health assistants will follow the HCPSS-SAP procedures.
- B. A school administrator will promptly investigate any alleged violation of this policy.
- C. HCPSS employees have the responsibility for taking appropriate actions when a student is involved in a situation that disrupts the learning environment of a school. When determining the plan of support and appropriate consequences, they will take the following into consideration:
- The severity of the incident.
 - A student's previous violations and/or responses for the same or a related offense.
 - Whether the offense interfered with the rights/privileges/responsibilities/property of others.
 - Whether the offense posed a threat to the health or safety of others.
 - Whether the student has an Individualized Education Plan (IEP), 504 Plan, or Behavioral Intervention Plan.
 - The logical relationship between the offense and the response.
 - The age-appropriateness of the consequence.
 - Any specific responses articulated in Board of Education policy.
- D. If, at the conclusion of the investigation, the school administrator finds that there has been a violation of this policy, consequent action will be in accordance with the provisions in these implementation procedures, as well as Policy 9200 Student Discipline, and the HCPSS Student Code of Conduct.

- E. For any policy violations, a parent/student conference will be held with the school administrator to review the scope of the violation and the tenets of the policy. The school administrator will remind the student and parent that the HCPSS maintains an alcohol, drug, and tobacco free environment.

IV. Tobacco and/or Nicotine Products - Students Consequences

Possession and/or Use or Intent to Distribute

A. First Offense

1. A school administrator may seize the tobacco and/or Electronic Smoking Device (ESD) and dispose of it with a community substance use prevention service.
2. The student will be referred to SST.
3. A Level 3-5 Response as defined in the HCPSS Student Code of Conduct may be applied.
4. The school administrator will provide the parent with a referral form for the student to attend a tobacco awareness program administered by a public health agency or private provider. The student will provide proof of completion of the program within 30 school days.

Failure to attend the tobacco use awareness program will result in a Level 3 Response as defined in the HCPSS Student Code of Conduct.

B. Second Offense and Subsequent Offenses

1. The student will be referred to SST.
2. A school administrator may take the tobacco and/or ESD and dispose of it with a community substance use prevention service.
3. A Level 3-5 Response as defined in the HCPSS Student Code of Conduct may be applied.
4. The school administrator will also have the option of assigning a tobacco awareness program administered by a public health agency or private provider instead of serving a suspension. The school administrator will provide the parent with a referral form for that program. If the student chooses this option, proof of enrollment within five (5) school days must be provided to a school administrator. The student will provide proof of completion of the program within 30 school days.

Failure to attend the tobacco awareness program will result in a Level 4-5 Response as defined in the HCPSS Student Code of Conduct.

V. Alcohol, Drugs, and Prescription Medication - Student Consequences

A. Possession and/or Use of Alcohol, Drugs and/or Drug Paraphernalia (including Constructive Possession)

1. A Level 4-5 response as defined in the HCPSS Student Code of Conduct will be applied.
2. A school administrator may consider the assignment of a lesser consequence than suspension if the paraphernalia did not contain any residue of drugs.
3. Participation in a parent/student conference with a school administrator prior to return from suspension will occur.
4. Mandatory assessment, counseling and/or education through a licensed addictions program or a state-certified addictions counselor will occur. The student must provide documentation from the provider of their appointment or participation in the assessment during the period of suspension. Failure to provide such documentation may result in progressive discipline in accordance with the HCPSS Student Code of Conduct.
5. Referral to SST for follow-up contact with the student and parent, including the monitoring of the student's participation in the mandatory assessment, as well as their appointment or continued participation in and/or satisfactory completion of any prescribed treatment plan. A student who fails to provide documentation of their continued participation in or completion of a prescribed treatment plan is subject to progressive discipline.
6. A Level 5 response as defined in the HCPSS Student Code of Conduct will be applied for third or subsequent offenses in addition to the steps outlined above.

B. Possession and/or Use of Prescription Medication

If the school administrator determines all of the following do not apply, the student may face violations in accordance with the section above, violations related to possession and/or use (including constructive possession) of alcohol, drugs and/or drug paraphernalia.

1. The prescription medication can be clearly identified (e.g., is in a pharmacy or manufacturer-labeled container/original packaging); and

2. The school administrator can verify that the student does in fact have a current prescription for the medication or that the student's parent has authorized the use; and
 3. The prescription medication, if used by the student, was taken in accordance with the current prescription written for the student. School administrators may contact Poison Control or the Health Services Office with questions regarding the identification, appropriate use and potential effects of prescription medications and over-the-counter products.
- C. Intent to Distribute or Distribution of Alcohol, Drugs, and Prescription Medication-

All Offenses

1. Referral to the Superintendent/designee for an extended suspension of eleven (11) - forty-five (45) school days, or expulsion.
2. For students not expelled:
 - a. Suspension from attendance at, participation in, and practice for all extracurricular and school-related activities for the period of the suspension.
 - b. Participation in a parent/student conference with a school administrator prior to the conclusion of the suspension.
 - c. Mandatory assessment, counseling and/or education through a licensed addictions program or a state-certified addictions counselor. The student must provide documentation from the provider of their appointment or participation in the assessment. Failure to provide such documentation will result in an extension of the original suspension and the student's being excluded from school and attendance at, participation in and practice for all extra-curricular and school-related activities until certification is provided to the school administrator or Superintendent/designee for up to 30 school days.
 - d. Referral to SST for follow-up contact with the student and parent, including the monitoring of the student's participation in the mandatory assessment, as well as their appointment or continued participation in and/or satisfactory completion of any-prescribed treatment plan. A student who fails to provide documentation of continued participation in or completion of a prescribed treatment plan is subject to exclusion from school and attendance at, participation in and practice for all extracurricular and school-related activities until documentation is provided for up to thirty (30) school days.

3. Consequences assigned to a student for an offense involving prescription medication, must include a parent/student conference regarding requirements for the administration of prescription medication to students.

VI. Over-the-Counter Medication - Student Consequences

A. Possession and/or Use of Over-the-Counter Medication

1. Level 3 response as defined in the HCPSS Student Code of Conduct.
2. A school administrator will consider:
 - a. The over-the-counter medication can be clearly identified (e.g., is in a pharmacy or manufacturer-labeled container/original packaging); and
 - b. The school administrator can verify that the student does in fact have a current prescription for the medication or that the student's parent has authorized the use of the over-the-counter product medication; and
 - c. The over-the-counter medication, if used by the student, was taken in accordance with guidelines recommended by the manufacturer of the over-the-counter medication. School administrators may contact Poison Control or the Health Services Office with questions regarding the identification, appropriate use and potential effects of over-the-counter medications.
3. Any consequences assigned to the student must include a parent/student conference regarding requirements for the administration of over-the-counter medications to students.

B. Intent to Distribute and/or Distribution of Over-the-Counter Medication

All Offenses

1. Level 3-5 response as defined in the HCPSS Student Code of Conduct.
2. Any consequences assigned to the student must include a parent/student conference regarding requirements for the administration of over-the-counter medication to students.

VII. Employee Consequences

All employees suspected of violation of this policy will receive due process in accordance with Policy 7030 Employee Conduct and Discipline, Policy 7040 Alcohol Use by Employees, and Policy 7050 Use of Drugs, and Drug Paraphernalia by Employees. In addition, they will be referred to seek assistance from employee guidance resources.

VIII. Other Individuals Consequences

Other individuals, including those not employed with the HCPSS, found to be in violation of this policy will be subject to the following:

- A. First Time – Will be given a verbal warning and review of policy.
- B. Second Time – Will be asked to leave the premises if noncompliance continues.
- C. Subsequent Times – Will receive a no trespass letter.

IX. Organizations Consequences

Organizations that lease school buildings or grounds will be informed that their contract will be at risk of non-renewal if their users do not comply with Board policy.

X. Confidentiality of Student Records

Provisions to protect student rights to confidentiality of information regarding their use of alcohol, drugs, over-the-counter medication, tobacco, and electronic smoking devices include:

- A. Maintaining as few education records as possible.
- B. Identifying students on certain sensitive, confidential records by first name and last initial.
- C. Disposing of records when they are no longer useful in accordance with procedures set forth in COMAR 13A.08.02.05 (Retention, Disposition and Destruction of Student Records), 13A.08.02.06 (Review and Updating), and other applicable law.

Note: When generating records as a result of providing assistance to students having problems in school due to alcohol or other drug abuse, care should be taken to consider all such records as confidential. It is important to note that there is neither a requirement to record a confidential conference between a student and an HCPSS employee on any education record nor a legal duty to notify parents regarding such a conference. HCPSS employees may wish to note confidential conferences in personal notes. Personal notes are not considered part of the student's education records. They are subject to inspection if they are shared with anyone else or used in decision making. In all cases, they may be subject to disclosure with a subpoena.

XI. Definitions

Within the context of these procedures, the following definitions apply:

- A. Due Process – A procedure by which an individual suspected of wrong-doing is given notice of the allegations, an explanation of the evidence, and an opportunity to respond to the allegations.
- B. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause.
- C. Tobacco Awareness Program – An intervention plan provided through a public health agency or private provider to assist students or employees in stopping the use of tobacco products.

XII. Monitoring

Policy 1050 implementation procedures will be overseen by the Division of School Management and Instructional Leadership.

XIII. History¹

ADOPTED: June 24, 1993
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