



BOARD OF EDUCATION
POLICY 7050
DRUG USE BY EMPLOYEES:
ILLEGAL DRUGS, DRUG
PARAPHERNALIA, AND
CONTROLLED SUBSTANCES

Effective: August 14, 2014

I. Policy Statement

The Board of Education is committed to ensuring a safe, engaging and supportive environment for its employees. The Board values a work environment free of illegal drugs and the abuse of controlled substances, recognizing that such conduct compromises the well being of students and staff and impairs performance.

All employees are to be respectful of this environment and are expected to abstain from the use of illegal drugs and/or drug paraphernalia and the abuse of controlled substances.

II. Purpose

The purpose of this policy is to establish standards and procedures for employees and service providers regarding the possession, use, or distribution of illegal drugs and the abuse or distribution of controlled substances.

III. Definitions

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

- A. Abuse – The ingestion, inhalation, injection, or absorption of a controlled substance in a manner or degree at any time that compromises workplace safety, job performance, and/or the work environment.
- B. Constructive Possession – Having knowledge of the presence of illegal drugs or controlled substances and the ability to control/use them, without having actual possession. More than one person may have constructive possession at the same time.
- C. Controlled Substance – Those drugs/medications, including prescription drugs/medications and over-the-counter drugs/medications, as listed in Sections 5-101 (f) (1) and Sections 5-403 through 5-406 of the Criminal Law Article of the Annotated Code of Maryland. Controlled substances also include any substance represented as a controlled drug/medication.
- D. Distribution – The sale, transfer, trade, giving, exchange, and/or dispensing in any manner of any illegal drug, drug paraphernalia, or controlled substance, or any substance that is represented as an illegal drug/controlled substance.

- E. Drug Conviction –The final judgment by a court of competent jurisdiction that an employee has been found guilty of an illegal drug/controlled substance and/or a drug paraphernalia criminal offense.
- F. Illegal Drug – Those illegal substances, as listed in Sections 5-101 (f) (1) and Section 5-402 of the Criminal Law Article of the Annotated Code of Maryland. Illegal drugs also include any substance that is represented as an illegal drug.
- G. Intent to Distribute – Possession of illegal drugs, drug paraphernalia, or controlled substances, in or on any item or belonging under the control of the employee or owned by the employee, in such quantity and under such circumstances, observed or discovered, indicating the strong likelihood of distribution.
- H. Over-The-Counter Drugs/Medications – Over-the-counter medicines, homeopathic and herbal products, and dietary supplements.
- 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 into the human body an illegal drug. Drug paraphernalia will also include those items listed in Section 5-101(o) of the Criminal Law Article of the Annotated Code of Maryland.
- J. Possession – The presence of illegal drugs or drug paraphernalia, however small the amount, on an employee or in or on any item under the control of the employee or owned by the employee.
- K. Prescription Drugs/Medications – Substances that under federal law may not be dispensed without a prescription written by a person licensed by the state to do so.
- L. Service Provider – An individual who provides services to the Howard County Public School System (HCPSS) through contract or volunteer service, including student teachers and interns.
- M. Use – The ingestion, injection, inhalation, absorption, and/or other introduction into the human body of any illegal drug; a condition or state of being of an employee indicating that the employee is under the influence of an illegal drug.

IV. Standards

- A. Compliance with this policy is a condition of continued employment, and violations of this policy will constitute grounds for disciplinary action, up to and including termination.
- B. An employee or service provider may not possess or use illegal drugs or drug paraphernalia or be under the influence of illegal drugs.

- C. HCPSS will not hire anyone who is known to currently use illegal drugs or drug paraphernalia and/or abuse controlled substances.
- D. An employee or service provider may not abuse controlled substances on school system property, at an HCPSS-sponsored event, or while engaged in HCPSS duties.
- E. An employee or service provider may not possess, distribute, or intend to distribute illegal drugs.
- F. An employee or service provider may not be in constructive possession of illegal drugs.
- G. An employee or service provider may not distribute controlled substances to students except when specified by job description and parent/guardian consent, as provided in Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over the Counter Products, and as outlined in the Health Services Requirements and Procedures, Medication Administration Procedure.
- H. An employee or service provider may not distribute or intend to distribute controlled substances on school system property or at an HCPSS-sponsored event.
- I. An employee or service provider may not engage in conduct that is a violation of any federal or state law concerning the possession, use, distribution, or intent to distribute illegal drugs or drug paraphernalia or the abuse, distribution, or intent to distribute controlled substances.
- J. An employee or service provider is required to report any illegal drug, drug paraphernalia, or controlled substance-related charge to their immediate supervisor prior to the start of their next work day following the charge.
- K. An employee who is convicted of illegal drug, drug paraphernalia, or controlled substance-related offenses will be subject to disciplinary action, up to and including termination.
- L. Employees or service providers must report as soon as possible to their supervisor or principal any violation or suspected violation of this policy. Failure to report violations or suspected violations may result in disciplinary action.
- M. Every supervisor and/or principal must report immediately any violations or alleged violations of this policy to the Superintendent/Designee for investigation.
- N. Any employee who aids, abets, and/or conspires with any person to violate this policy may be subject to disciplinary action.

- O. Any employee who knowingly gives false information, fails to cooperate, or in any way impedes an investigation conducted by the Superintendent/Designee may be subject to disciplinary action.
- P. An employee may be required to participate in a treatment program designed to address illegal drug use or controlled substance abuse and related problems.
- Q. Conduct constituting a potential criminal violation regarding illegal drugs or controlled substances will be reported to the police by the Superintendent/Designee.

V. Compliance

- A. The Office of Human Resources is responsible for providing new employees a copy of this policy.
- B. The Superintendent/Designee will ensure that all service providers receive a copy of this policy.
- C. All employees will report any suspected violations of this policy or implementation procedures to their immediate supervisor.
- D. Supervisors and principals are responsible for reporting alleged violations of this policy to the Superintendent/Designee.
- E. The Superintendent/Designee will investigate all reports of violations or alleged violations of this policy.

VI. Delegation of Authority

The Superintendent is authorized to develop appropriate procedures to implement this policy.

VII. References

- A. Legal
 - Controlled Substances Act, 21 U.S.C. Section 812
 - The Americans With Disabilities Act, 42 U.S.C. Section 12114
 - The Drug-Free Workplace Act of 1988, 41 U.S.C. Sections 702-707
 - 34 C.F.R. 84.100-115
 - 34 C.F.R. 84.200-230
 - 34 C.F.R. 84.605-670
 - The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (f)
 - The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (l)
 - The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (o)

The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (s)
The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (u)
The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (v)
The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (y-z)
The Annotated Code of Maryland, Criminal Law Article, Section 5-101 (aa-cc)
The Annotated Code of Maryland, Criminal Law Article, Sections 5-402 through
5-406
The Annotated Code of Maryland, Criminal Law Article, Section 10-111
The Annotated Code of Maryland, Education Article, Section 4-205
The Annotated Code of Maryland, Education Article, Section 6-202
The Annotated Code of Maryland, Health General Article, Section 17-214
COMAR 10.10.10.01-.10
COMAR 13A.12.05.02
COMAR 13A.12.05.03

- B. Other Board Policies
 - Policy 5100 School Health Services
 - Policy 7030 Employee Discipline
 - Policy 7040 Alcohol and Noncontrolled Substance Abuse by Employees
 - Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over the Counter Products

- C. Other
 - Employee Assistance Program (EAP) brochure

VIII. History

ADOPTED: September 13, 1990
REVIEWED:
MODIFIED: August 14, 2014
REVISED: August 22, 1996
April 15, 2010
EFFECTIVE: August 14, 2014