

I. Definitions

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

- A. Distribution – The actual or intended sale, transfer, trade, giving or exchange in any manner of alcohol, other drugs (including tobacco and drug paraphernalia such as electronic nicotine delivery systems (ENDS) used for vaping), prescription medication or over-the-counter products by a student to any person whether or not a student, when such distribution takes place in a setting in which students are responsible to school authority and/or supervision. Includes intent to distribute. Distribution does not include circumstances where a prohibited substance is possessed or owned collectively by all participants.
- B. Due Process – A procedure by which an individual suspected of wrong-doing is given notice of the charges, an explanation of the evidence, and an opportunity to respond to the charges.
- C. Employee Assistance Program (EAP) – A referral and treatment program designed to identify employee needs and provide subsequent referral recommendations and services as needed in the areas including, but not limited to, drug and substance abuse, alcoholism, and family or financial programs. Referral to EAP is not a disciplinary action.
- D. Level 3 Response – An action that engages a student’s support system to ensure successful learning and to alter conditions that contribute to the student’s inappropriate or disruptive behavior (Howard County Public School System (HCPSS) Student Code of Conduct). These actions aim to correct behavior by:
 - 1. Stressing the severity of the inappropriate behavior
 - 2. Acknowledging potential implications for future harm
 - 3. Keeping the student in school.

These responses may involve the short-term removal of a student from the classroom or school. Removal should be limited as much as possible and be used in a progressive manner.

- E. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause. Suspension includes: in-school suspension, short-term suspension, long-term suspension, or extended suspension.

1. In-School Suspension – The removal of a student from the student's current education program, for up to but not more than 10 school days in one school year, for disciplinary reasons as determined by the principal to another location within the school building.
 2. Short-Term Suspension – The removal of a student from school for up to but not more than 3 school days for disciplinary reasons as determined by the principal.
 3. Long-Term Suspension – The removal of a student from school for between 4–10 school days for disciplinary reasons as determined by the principal.
 4. Extended Suspension – The exclusion of a student from school for between 11 and 45 school days for disciplinary reasons as determined by the Superintendent/Designee.
- F. Tobacco Use Cessation 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.

II. Notifications

- A. HCPSS employees will communicate the policy and procedures regarding its tobacco-free environment and its benefits to students, including new students upon registration, employees, parents, and the public. In addition, administrators will notify all students, employees, and parents annually, and as deemed necessary, that tobacco and nicotine products are prohibited on school property and at school-related activities. Notification will be:
1. Given via an announcement over the public address system at the beginning of the school year and at other appropriate times.
 2. Included in the school newsletter and in student/faculty handbooks.
 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 in the entryway of all school system buildings and grounds to inform students, employees, parents, and the public of the tobacco-free environment.
- C. Administrators will notify all middle and high school students in writing regarding the provisions of this policy annually. Students will acknowledge receipt of such notification with their signature.
- D. New employees, volunteers, and vendors will be informed of this policy during orientation.
- E. Policy 10020 Use of School Facilities will include information regarding maintaining a tobacco-free environment to the public.

III. Consequences, Students

An administrator will immediately investigate any alleged violation of this policy by a student.

If, at the conclusion of the investigation, the school administrator finds that there has been a violation of this policy, consequent action will be taken in accordance with the provisions of Policy 9200 Student Discipline, and the HCPSS Student Code of Conduct. Consequences related to Tetrahydrocannabinol (THC) oil or any other non-tobacco drugs found in an Electronic Nicotine Delivery Systems (ENDS) will be assigned in accordance with Policy 9230 Alcohol, Other Drugs, Prescription Medication, and Over the Counter Products implementation procedures. Any necessary documentation must be completed.

- A. For policy violations not related to vaping, students will be assigned the following consequences:
 - 1. First Offense
 - a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free environment.
 - b. The school administrator will provide the parent with a referral form for the student to attend a tobacco use cessation 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 cessation program will result in a Level 3 Response as defined in the HCPSS Student Code of Conduct.

2. Second Offense

- a. A school administrator will hold a conference with the student and the parent.
- b. The student may be given a suspension from one (1) to three (3) school days.
- c. The student will have the option of enrolling in a tobacco use cessation program administered by a public health agency or private provider instead of serving the 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.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

3. Third Offense

- a. A school administrator will hold a conference with the student and the parent.
- b. The student may be given a suspension for three (3) school days.
- c. The student will have the option of enrolling in a tobacco use cessation program administered by a public health agency or private provider instead of serving the three (3) day 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.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

4. Fourth and Subsequent Offenses

- a. A school administrator will hold a conference with the student and the parent.
- b. The student may be given a suspension for three (3) to five (5) school days.
- c. The student may choose to serve the suspension or to enroll in and complete a tobacco use cessation program administered by a

public health agency or private provider. If the student chooses this option, proof of enrollment must be provided to the school administrator before the student can return to school. The student will provide proof of completion of the program within 30 school days.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

B. For policy violations related to possession and/or use of electronic cigarette products and other ENDS for vaping, students will be assigned the following consequences:

1. First Offense

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. The school administrator will provide the parent with a referral form for the student to attend a tobacco use cessation 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 cessation program will result in a Level 3 Response as defined in the HCPSS Student Code of Conduct.

2. Second Offense

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. The student may be given a suspension from one (1) to three (3) school days. A school administrator may consider the assignment of a lesser consequence than suspension if the ENDS possession did not contain any residue of tobacco or THC oil.
- c. The student will have the option of enrolling in a tobacco use cessation program administered by a public health agency or private provider instead of serving the 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.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

3. Third Offense

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. The student may be given a suspension of three (3) school days. A school administrator may consider the assignment of a lesser consequence than suspension if the ENDS possession did not contain any residue of tobacco or THC oil.
- c. The student will have the option of enrolling in a tobacco use cessation program administered by a public health agency or private provider instead of serving the 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.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

4. Fourth and Subsequent Offenses

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. The student may be given a suspension of three (3) to five (5) school days. A school administrator may consider the assignment of a lesser consequence than suspension if the ENDS possession did not contain any residue of tobacco or THC oil.
- c. The student will have the option of enrolling in a tobacco use cessation program administered by a public health agency or private provider instead of serving the 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.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.

- C. For policy violations related to the intent to distribute and/or distribution of electronic nicotine delivery systems (ENDSs), students will be assigned the following consequences (note, consequences related to the intent to distribute/or

distribution of ENDS that contain THC oil or other non-tobacco drugs assigned in accordance Policy 9230 Alcohol, Other Drugs, Prescription Medication, and Over the Counter Products implementation procedures):

1. First Offense

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. In-School suspension for not more than two (2) school days.
- c. The school administrator will provide the parent with a referral form for the student to attend a tobacco use cessation 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 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 for up to 30 school days.

2. Second Offense

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and the parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. The student may be given a suspension from one (1) to three (3) school days.
- c. The school administrator will provide the parent with a referral form for the student to attend a tobacco use cessation 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 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 for up to 30 school days.

3. Third Offense and Subsequent Offenses

- a. A school administrator will hold a conference with the student and the parent. The administrator will remind the student and parent that the HCPSS maintains a tobacco-free and THC oil free environment.
- b. Suspension for five (5) school days.
- c. The school administrator will provide the parent with a referral form for the student to attend a tobacco use cessation 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 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 for up to 30 school days.

IV. Consequences, Employees

- A. All employees suspected of violation of this policy will receive due process under Policy 7030 Employee Conduct and Discipline.
- B. An employee found to be in violation of this policy:
 1. First Time – The supervisor/principal will meet with the employee to review this policy. The supervisor/principal may also recommend further action, including any or all of the following:
 - a. Referral to the Employee Assistance Program (EAP) for counseling;
 - b. Referral to a tobacco use cessation program;
 - c. Recommendation to discuss treatment/counseling options by primary care provider.
 2. Subsequent Times – The supervisor/principal will follow the standards of Policy 7030 Employee Conduct and Discipline.

V. Consequences, Other Individuals

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.

VI. Consequences, Organizations

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.

VII. History

ADOPTED: June 24, 1993

REVIEWED:

MODIFIED: September 5, 2019

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April 6, 2017

EFFECTIVE: September 5, 2019