

I. Policy Statement

The Board of Education of Howard County recognizes the serious health problems and environmental hazards associated with using all tobacco products, exposure to nicotine and secondhand smoke. The Board acknowledges the necessity for the school system to ensure that the school environment promotes and protects students' and employees' health and ability to learn by providing tobacco prevention education and resources. The Board believes schools have a responsibility to help students develop the skills, knowledge, and attitudes necessary to adopt and maintain healthy lifestyles and is therefore committed to maintaining a tobacco-free, smoke-free, and nicotine-free environment for the health and safety of all students, employees and the public in the Howard County Public School System (HCPSS).

II. Purpose

The purpose of this policy is to specify criteria for the HCPSS to maintain a tobacco-free, smoke-free, and nicotine-free environment, to help prevent the use of tobacco and nicotine products by students, employees, and visitors. The HCPSS also supports cessation efforts, and delineates the consequences for violations of this policy.

III. Definitions

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

- A. Electronic Nicotine Delivery System (ENDS) – Any handheld electronic device such as e-cigarettes, pipes, pens, hookahs and other devices for vaping.
- B. 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).
 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.
- C. Possession (as defined exclusively from Use) – The presence of tobacco products, cigarette rolling papers, or ENDS products on an individual, however small the amount, in or on any item or belonging under the control of the individual or owned by the individual, when such presence of the tobacco product, cigarette rolling papers, or ENDS products is observed or discovered or has occurred in any setting in which individuals are responsible to school authority and/or supervision.
 - D. School Buildings – Facilities owned or leased by the HCPSS. This includes schools, central office, warehouses, garages, or other buildings belonging to the school system regardless of whether or not students are present. It also includes the parking lots of those buildings.
 - E. School Bus Stop – A designated location where students board and are discharged from a school bus.
 - F. School Property – Any property owned or leased by the HCPSS including vehicles. 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.
 - G. Secondhand Smoke – Smoke from burning tobacco products and/or smoke exhaled by a person smoking.
 - H. 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.
 - I. Use of Tobacco – The act of inhaling or exhaling the fumes of tobacco or any other product that can be utilized like tobacco or the act of placing a tobacco product such as snuff, chewing tobacco, herbs, spices and the like in the mouth or nose.
 - J. Vaping – The act of inhaling nicotine infused products through electronic nicotine delivery systems.

IV. Standards

- A. Tobacco product use in any form is prohibited in the HCPSS at all times.
- B. For all students, the use, possession, or sale of any tobacco product, cigarette rolling papers, or electronic cigarette products is prohibited on school property, at school-related activities, and on school trips to other areas or countries at all times. The prohibition also extends to the entire time students attend the activity, including during transport.
- C. For all employees, visitors, or members of the public, the use or sale of any tobacco product, cigarette rolling papers, or electronic cigarette products is prohibited on school property, at school-authorized activities, and on school trips to other areas or countries at all times. The prohibition also extends to the entire time individuals attend the activity, including during transport. Tobacco products should not be visible to students.
- D. The HCPSS will support tobacco use cessation efforts and offer programs to encourage students and employees to remain tobacco-free.
- E. Instruction on the risks and consequences of tobacco use will be part of the required health education programs at the elementary, middle, and high school levels.
- F. Notification will be posted to inform students, employees, parents, and the public that school property is tobacco-free. HCPSS will post the notifications in clearly visible locations.
- G. All community organizations using HCPSS facilities will adhere to the standards and procedures in this policy.
- H. Cases of students, employees, or other individuals who violate this policy will be identified and reported; actions will be taken in accordance with the procedures developed and distributed by the Superintendent/Designee. Disciplinary action for violations will be administered in accordance with the procedures developed and distributed by the Superintendent/Designee.

V. Responsibilities

- A. The Superintendent/Designee and school administrators will inform students, parents, employees, and the public that school buildings and school properties are tobacco-free and will communicate the provisions of this policy on an annual basis.
- B. The Superintendent/Designee will revise the required health education program regarding the risks and consequences of tobacco use, as necessary.
- C. The Superintendent/Designee and administrators will implement this policy.

- D. The students, employees, and parents in HCPSS will support the successful implementation of the tobacco-free policy.

VI. Delegation of Authority

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

VII. References

- A. Legal
The Annotated Code of Maryland, 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)
COMAR 13A.02.04, Tobacco-Free School Environment
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. Other Board Policies
Policy 3020 Trespassing or Willful Disturbance
Policy 5100 Health Services
Policy 7030 Employee Conduct and Discipline
Policy 9020 Students' Rights and Responsibilities
Policy 9200 Student Discipline
Policy 9230 Alcohol, Other Drugs, Prescription Medication and Over-The-Counter Products
Policy 10020 Use of School Facilities
- C. Relevant Data Sources
- D. Other
HCPSS Student Code of Conduct

VIII. History

ADOPTED: June 24, 1993
REVIEWED:
MODIFIED:
REVISED: April 16, 2009
April 6, 2017
EFFECTIVE: July 1, 2017

I. 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 charges, an explanation of the evidence, and an opportunity to respond to the charges.
- B. 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.
- C. 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 (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.

- D. 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.
- E. 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. The Howard County Public School System (HCPSS) staff 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

- A. An administrator will immediately investigate any alleged violation of this policy by a student.
- B. 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. Any necessary documentation must be completed.
- C. For violating this policy, students will be assigned the following consequences:
 - 1. First Time – 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. 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 a reasonable period of time determined by the administrator.

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 Time – A school administrator will hold a conference with the student and the parent. The student may be given a suspension from one (1) to three (3) school days. 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 a reasonable period of time determined by the administrator.

If proof of enrollment and completion are not provided, the student will be required to serve the designated length of suspension.
 - 3. Third Time – A school administrator will hold a conference with the student and the parent. The student may be given a suspension for three (3) school days. 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 a reasonable period of time determined by the administrator.

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 Times – A school administrator will hold a conference with the student and the parent. The student may be given a suspension for three (3) to five (5) school days. 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 a reasonable period of time determined by the administrator.

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

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

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