

I. Policy Statement

The Board of Education of Howard County is committed to promoting and providing a drug-free academic environment for all students and providing appropriate safeguards with respect to the administration of prescription medication and over-the-counter products, and believes that collaboration with parents and the larger community is essential to its success in this regard. School System efforts to deter the use of alcohol and other drugs by students will include a comprehensive program designed to inform students of the negative effects of alcohol and other drug use, provide appropriate support and intervention services related to student use of alcohol and other drugs, as well as appropriate consequences for students who violate this policy.

II. Purpose

The purpose of this policy is to establish parameters for both educational programs and disciplinary action taken in response to violations.

III. Definitions

- A. Alcohol – Ale, beer, wine, whiskey, rum, gin, or any other spirituous, vinous, malt, or fermented liquor or compound by whatever name called.
- B. Constructive Possession – Failing to remove oneself from a situation or area where alcohol or other drugs are known to be present.
- C. Distribution – The actual or intended sale, transfer, trade, giving or exchange in any manner of alcohol, other drugs, 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.
- D. Drug Paraphernalia – All equipment, products, and materials of any kind which are used in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled dangerous substance.

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- E. Drug – Any substance, other than alcohol or tobacco (see Policy 9240, Student Use and Possession of Tobacco Products), that when taken into the body may impair one’s mental faculties. This includes:
1. A controlled dangerous substance, as defined in §5-402-5-406 of the Criminal Law Article;
 2. Any other substance used for the purpose of altering one’s mood or behavior, including inhalants;
 3. Drug Paraphernalia;
 4. Look-alikes or a substance represented as any of the above.
- F. Extracurricular Activities – Continuing activities available to students beyond the regular school day which are not required for the satisfactory completion of a particular class.
- G. Inhalant – Any substance inhaled for the purpose of inducing a condition of intoxication, inebriation or excitement, or otherwise impairs one’s mental faculties.
- H. Intent to Distribute – Possession of alcohol, other drugs, prescription medication or over-the-counter products on the person of a student, in or on any item or belonging under the control of the student or owned by the student, in such quantity and under such circumstances, observed or discovered, indicating the strong likelihood of distribution (as defined) in a setting in which students are responsible to school authority and/or supervision.
- I. Over-the-Counter Product – over-the-counter medicines, homeopathic and herbal products, and dietary supplements.
- J. Possession – Presence of alcohol, other drugs, prescription medication or over-the-counter products on the person of a student, however small the amount, in or on any item belonging to or under the control of the student or owned by the student, in any setting in which students are responsible to school authority and/or supervision.
- K. Prescription Medication – a substance that under federal law may not be dispensed without a prescription written by a person licensed by the State to do so.
- L. School-Related Activity – On or off premises activity in which a student directly participates (e.g. field trip, school system-sponsored athletic event, and class/graduation activities, 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 system-sponsored event).
- M. Use – 1) A deliberate act of ingesting, injecting, inhaling or otherwise taking into the body alcohol or other drugs; 2) A condition or state of being under the influence of alcohol or other drugs.

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

IV. Standards

A. General

1. Notice that alcohol and drugs are prohibited in the Howard County Public School System shall be provided to students, parents and staff members at the beginning of each school year and when deemed appropriate by the principal.
2. Prescription medication and over-the-counter products require written medication orders 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 Howard County Public School System has developed its Health Education curriculum to conform to state and federal mandates for Safe and Drug-Free Schools. The goal of the Health Education curriculum is for students to demonstrate the ability to utilize knowledge of tobacco, alcohol and other drugs to develop skills and attitudes that promote drug and violence-free living.
2. The Health Education Curriculum:
 - a. Helps students recognize internal pressures, like wanting to belong to a group, and external pressures, like peer attitudes and advertising, that influence them to use alcohol, tobacco and other drugs;
 - b. Facilitates development of personal, social, and refusal skills to resist these pressures;
 - c. Teaches that using alcohol, tobacco, and other drugs is not the norm among teenagers, correcting the misconception that “everyone is doing it,” and promotes positive norms through bonding to school and constructive role models;
 - d. Uses interactive teaching techniques, such as role plays, discussions, brainstorming and cooperative learning;
 - e. Actively involves the family and the community so that prevention strategies are reinforced across settings;
 - f. Includes teacher training and support in order to assure that curricula are delivered as intended;
 - g. Contains material that is easy for teachers to implement and culturally relevant for students.

C. Violation of Policy

1. It is a violation of this policy for any student to:
 - a. Possess, use (including constructive possession), or distribute alcohol or other drugs on school property or at school-related activities.
 - b. Possess or use prescription medication or an over-the-counter product in the absence of or inconsistent with a written medication order.
 - c. Distribute either prescription medication or an over-the-counter product.
2. Violations of this policy are cumulative; subsequent offenses may affect the nature and severity of the consequences.

V. Compliance

A. Staff Training

The Howard County Public School System will provide training for its staff. This training will address:

1. The contents and requirements of this policy.
2. Early identification of students who might have a problem with alcohol and other drugs.
3. The Health Education curriculum.

B. Violation of Policy

1. School administrators will complete an incident report for any suspected violation of this policy.
2. Any action in response to a violation of this policy should be taken using the Howard County Student Code of Conduct and in accordance with Policy 9200, Discipline.
3. All searches and seizures related to this policy conducted on school property or during school-sponsored activities shall take place in accordance with Section 7-308 of the Annotated Code of Maryland and Policy 9020, Students' Rights and Responsibilities.
4. The school administrator shall report all criminal activity and all illegal behavior, including the possession, use and distribution of alcohol and other drugs on school property to the Youth Division of the Howard County Police Department and the Maryland State Department of Education.

- C. Any graduating senior who is suspended for 10 days or less that includes the day of commencement can appeal directly to the Superintendent. The appeal must be filed no later than two school days prior to the commencement ceremony, if a decision is to be made prior to commencement exercises.

VI. Delegation of Authority

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

VII. References**A. Legal**

1. The Annotated Code of Maryland, Criminal Law Article, §5-402-5-406, Dangerous Substances, Prescriptions, and Other Substances.
2. The Annotated Code of Maryland, Education Article:
 - a. Section 6-108 (School Employees - Immunity from Civil Liability);
 - b. Section 7-412 (Preservation of Rights of Student Seeking to Overcome Drug Abuse);
 - c. Section 7-411 (Drug Education Program);
 - d. Section 7-413 (Alcohol Abuse Program);
 - e. Section 7-305 (Suspension and Expulsion);
 - f. Section 7-308 (Searches of Students and Schools);
 - g. Section 26-103 (Drinking or Possessing Intoxicating Beverages on School Premises)
3. COMAR 13A.08.01.08 (Substance Use or Distribution)
4. COMAR 13A.08.01.11 (Disciplinary Action)
5. COMAR 13A.08.01.15 (Reporting Delinquent Acts)

B. Other

Policy 9200 Discipline
Student Code of Conduct
Maryland State Department of Education Health Services Guidelines
Howard County Public School System Health Services Manual

VIII. History

ADOPTED: August 26, 2004

REVIEWED: July 1, 2011

MODIFIED: August 14, 2014

REVISED: May 12, 2005

EFFECTIVE: August 14, 2014



**POLICY 9230-IP
IMPLEMENTATION PROCEDURES**

**ALCOHOL, OTHER DRUGS, PRESCRIPTION
MEDICATION AND OVER THE COUNTER
PRODUCTS**

Effective: May 3, 2018

I. Definitions

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

- A. Expulsion – The exclusion of a student from the student’s regular school program for 45 school days or longer as determined by the Superintendent/Designee. Expulsion may occur when the Superintendent/Designee has determined that the student’s return to school prior to the completion of the expulsion period would pose an imminent threat of serious harm to other students, staff, or others.
- B. Imminent Threat of Serious Harm – Likely or immediate danger of adverse and significant impact on physical or emotional well-being.
- C. Suspension – The denial of a student’s right to attend regular classes or school for a specified period of time for cause. Suspension includes extended suspension, in-school suspension, short-term suspension, or long-term 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 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.

II. Notification

- A. The principal will annually notify all students, parents and staff members that alcohol and other drugs are prohibited on school grounds and at school-related activities. Notification may be:

1. Given via an announcement over the public address system at the beginning of the school year and at other times as deemed appropriate.
 2. Published in the school newsletter and/or in student/faculty handbooks, etc.
 3. Posted for students and staff (e.g., on bulletin boards in the main office, teachers' lounge, guidance office and other commonly used areas).
 4. Provided to new students and parents through the registration process.
- B. Middle and high school students will be notified of the provisions of this policy in writing and be asked to acknowledge receipt of such notification with their signature. School-based administrators will monitor the collection of the signed policy forms to ensure that all students have acknowledged awareness and understanding of the policies.
- C. 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 and other drug 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 and other drugs.
 - f. Utilize School Resource Officers (SROs) in support of safe and drug free schools.

III. Intervention and Support

Student Assistance Program (SAP) Procedures

- A. When a student's behavior or performance arouses suspicion that the student might have an alcohol or other drug problem, a staff member will:
1. Obtain a referral form from the Student Support Team (SST), Instructional Intervention Team (IIT) or Student Assistance Program (SAP).
 2. Record on the form those observations of student behavior and performance that aroused concern.
 3. Return the form in a confidential envelope to the school's IIT or SST chairperson.
- B. Once the IIT or SST chairperson has received the referral form, its members will:
1. Assign a case manager.
 2. Collect data on the Observation Checklist from all staff who know the student of concern.
 3. Combine the collected data on the Combination Observation Checklist.

4. Contact the parent(s) to present the data. The Howard County Health Department Substance Abuse Counselor, as a designated school official, may be contacted to meet with the parents to share data.
5. Offer the parent a referral for a free assessment from the Howard County Health Department.
6. Follow-up with the parent through the IIT or SST to determine what additional support is needed.

IV. Violation of Policy – Investigation

- A. Health issues should be addressed immediately if a student is suspected of being under the influence or suspected of drug-induced illness or unconsciousness. All staff are required to report the suspicion immediately to the health room and administrator. If appropriate, the administrator will first escort the student to the health room for an Howard County Public School System (HCPSS) screening assessment. Nurses and health assistants will follow the HCPSS-SAP procedures.
- B. A school administrator will promptly investigate any alleged violation of this policy. The student will be given due process and may be subject to a search.
- C. 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 §V., as well as Policy 9200 Discipline, and the Howard County Student Code of Conduct.

V. Consequences

- A. Possession and/or Use (including constructive possession) of Alcohol or Other Drugs (including drug paraphernalia such as but not limited to, rolling papers, bong, pipes, mason jars, dryer sheets, metal boxes with drilled holes, baggies, lipstick dispensers, needles, razor blades).
 1. First Offense
 - a. Suspension for not more than ten (10) school days.
 - b. A school administrator may consider the assignment of a lesser consequence than suspension if the paraphernalia did not contain any residue of drugs or alcohol.
 - c. Exclusion from attendance at, participation in and practice for all extracurricular and school-related activities for no less than 10 school days. After the exclusionary period, students may participate in tryouts for athletics up until the date specified that rosters are to be submitted to the Office of Athletics. For all other extracurricular activities, students may participate in tryouts up until final selection is determined.

Exclusion from commencement exercises is only applicable if commencement occurs during the suspension from school.

- d. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.
- e. 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 his/her appointment or participation in the assessment during the period of suspension. 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 for up to thirty (30) school days or until certification is provided to the school administrator or Superintendent/Designee.
- f. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any prescribed treatment plan. A student who fails to provide documentation of his/her 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.

2. Second Offense

- a. Referral to the Superintendent/Designee for an extended suspension of eleven (11) – forty-five (45) school days.
- b. Suspension from attendance at, participation in and practice for all extracurricular and school-related activities for the period of the suspension. However, exclusion from commencement exercises is only applicable if commencement occurs during the suspension from school.
- c. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.
- d. 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 his/her appointment or participation in the assessment during the period of the suspension. 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 thirty (30) school days.
- e. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any prescribed treatment plan. A student who fails to provide documentation of his/her 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 30 school days.
3. Third or subsequent Offense – Referral to the Superintendent/Designee for an extended suspension of eleven (11) – forty-five (45) school days or expulsion.
- a. Suspension from attendance at, participation in and practice for all extracurricular and school-related activities for the period of suspension or expulsion. However, exclusion from commencement exercises is only applicable if commencement occurs during the suspension or exclusion from school.
 - b. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension or expulsion.
 - 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 his/her appointment or participation in the assessment during the period of the suspension. 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 thirty (30) school days.
 - d. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any prescribed treatment plan. A student who fails to provide documentation of his/her appointment or 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 30 school days.

- B. Possession and/or use of Prescription Medication and Over-the-Counter Products in the absence of or inconsistent with a written medication order.
1. First Offense
 - a. Suspension for not more than ten (10) school days.
 - b. A school administrator may consider the assignment of a lesser consequence than suspension if the following conditions are met:
 - i. The medication or over-the-counter product can be clearly identified (e.g., is in a pharmacy or manufacturer-labeled container/original packaging); and
 - ii. The 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; and
 - iii. The prescription medication or over-the-counter product, if used by the student, was taken in accordance with the current prescription written for the student or with guidelines recommended by the manufacturer of the over-the-counter product. 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. Any consequences assigned to the student must include a parent/guardian-student conference regarding requirements for the administration of prescription medication and over-the-counter products to students.
 2. Second Offense
 - a. Consequences for a second offense will be assigned in accordance with §V.A.2.
 - b. A school administrator may consider the assignment of the following consequences if the conditions contained in §V.B.1.b. were met in reviewing a first offense and the administrator assigned a lesser consequence than suspension:
 - i. Suspension for not more than ten (10) school days.
 - ii. Exclusion from attendance at, participation in, and practice for all extracurricular and school-related activities over the course of the suspension. After the exclusionary period, students may participate in tryouts for athletics up until the date specified that rosters are to be submitted to the Office of Athletics. For all other extracurricular activities, students may participate in tryouts up until final selection is determined. Exclusion from commencement exercises is only

- applicable if commencement occurs during the suspension from school.
- iii. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.
 - iv. 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 his/her 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 or until certification is provided to the school administrator or Superintendent/Designee for up to thirty (30) school days.
 - v. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her continued participation in and/or satisfactory completion of any prescribed treatment plan. A student who fails to provide documentation of his/her appointment or 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.
- c. Any consequences assigned to the student must include a parent/guardian-student conference regarding requirements for the administration of prescription medication and over-the-counter products to students.
3. Consequences for third and any subsequent offenses will be assigned consequences in accordance with §V.A.3.
- C. Intent to Distribute and/or Distribution of Alcohol, Other Drugs, or Prescription Medication
1. First Offense
 - a. Referral to the Superintendent/Designee for an extended suspension of eleven (11) – forty-five (45) school days, or expulsion.
 - b. For students not expelled
 - i. Suspension from attendance at, participation in, and practice for all extracurricular and school-related activities for the period of the suspension.

- ii. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.
 - iii. 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 his/her 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.
 - iv. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any-prescribed treatment plan. A student who fails to provide documentation of his/her 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.
- c. Consequences assigned to a student for an offense involving prescription medication, must include a parent/guardian-student conference regarding requirements for the administration of prescription medication and over-the-counter products to students.
2. Second or Subsequent Offense
- a. Referral to the Superintendent/Designee for an extended suspension of forty-five (45) days or expulsion.
 - b. For students not expelled
 - i. Suspension from attendance at, participation in and practice for all extracurricular and school-related activities for the period of the suspension.
 - ii. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.
 - iii. 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 his/her 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.

- iv. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any-prescribed treatment plan. A student who fails to provide documentation of his/her 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.

D. Intent to Distribute and/or Distribution Over-the-Counter Products

1. First Offense

- a. A school administrator may consider the assignment of a lesser consequence than suspension if the student distributes an over-the-counter product and that product can be clearly identified (e.g., is in manufacturer-labeled container/original packaging). School administrators may contact Poison Control of the Health Services Office with questions regarding the identification, appropriate use and potential effects of over-the-counter products.
- b. If the condition above is not met, the administrator will make a request to the Superintendent/Designee for an extended suspension of eleven (11) – forty-five (45) school days.
- c. Any consequences assigned to the student must include a parent/guardian-student conference regarding requirements for the administration of prescription medication and over-the-counter products to students.

2. Second and Subsequent Offenses

- a. Referral to the Superintendent/Designee for an extended suspension of eleven (11) – forty-five (45) school days, or expulsion.
- b. For students not expelled
 - i. Suspension from attendance at, participation in, and practice for all extracurricular and school-related activities for the period of the suspension.
 - ii. Participation in a parent/guardian-student conference with a school administrator prior to the conclusion of the suspension.

- iii. 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 his/her 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.
 - iv. Referral to Student Services for follow-up contact with the student and parent/guardian, including the monitoring of the student's participation in the mandatory assessment, as well as his/her appointment or continued participation in and/or satisfactory completion of any-prescribed treatment plan. A student who fails to provide documentation of his/her 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.
- c. Consequences assigned to a student for an offense involving prescription medication, must include a parent/guardian-student conference regarding requirements for the administration of prescription medication and over-the-counter products to students.

VI. Confidentiality of Student Records

Provisions to protect student rights to confidentiality of information regarding their use of alcohol and other drugs 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 a staff member on any education record nor a legal duty to notify parents regarding such a conference. Staff members 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.

VII. History

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