

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND	
PROMOTING A DRUG-FREE, ALCOHOL-FREE, AND TOBACCO/VAPING-FREE ENVIRONMENT	POLICY 112	
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112.1 Purpose

The Board of Education (Board) values health and wellness, and promotes educational programs and activities to maintain a safe, healthy, and productive environment. The possession, distribution, sale, or use of alcohol, tobacco, or any illegal or illicit drug, in any form, on school property at any time is prohibited. This policy does not apply to individuals providing an educational unit on the effects of tobacco, alcohol, or drugs.

Exemptions:

- A. **Health/instructional:** For purposes of the policy, it shall not be considered a violation for individuals or schools to possess or house products that contain alcohol or drugs as it relates to legitimate health and educational program needs.
- B. **Religious:** For purposes of the policy, it shall not be considered a violation for students to consume alcohol for legitimately recognized religious ceremonies as verified by parents/legal guardians.

112.2 Definitions

- A. **Alcohol** – Alcoholic beverages and/or any other intoxicating liquid that contains one half of one percent or more of alcohol by volume.

Legal Reference	§ 7-401, § 7-411 and § 7-426.5 Education Article, <i>Annotated Code of Maryland</i>		
	§ 5-101 and § 5-627 Criminal Law Article, <i>Annotated Code of Maryland</i>		
	§ 13-3301 Health-General Article, <i>Annotated Code of Maryland</i>		
	41 U.S.C. § 8101-8103 <i>Drug-Free Workplace Act of 1988</i> ; 21 U.S.C. §812		
Source Document	<i>Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act)</i> HB 1082/SB 1060		
Policy History	Reviewed 2017, 2018, 2021	Adopted 7/13/05	Revised 2/24/21

B. Drug means:

1. Substances recognized in the official United States Pharmacopoeia, official homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and
2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals; and
3. Substances (other than food) intended to affect the structure or any function of the body of humans or animals; and
4. Substances intended for use as a component of any article specified in clause 1, 2, or 3 of this paragraph; but does not include devices or their components, parts, or accessories.

C. Drug includes:

1. A controlled dangerous substance that is regulated under the Federal/Maryland Controlled Dangerous Substance Act. *Note: Anabolic steroids are included within this definition.*
2. A prescription medication used or dispensed improperly or in contradiction to the prescription.
3. A chemical substance when used for unintended and harmful purposes.

D. Tobacco, for the purposes of this policy, includes any lighted or unlighted cigarette, cigar, pipe, bidi, hookah smoking product, clove cigarette and any other smoking product, spit tobacco (also known as smokeless, dip, chew, snuff, in any form), nicotine or nicotine-delivering devices, chemicals or devices that produce the physical effect of nicotine substances or any other tobacco substitute. This does not include FDA-approved nicotine replacement therapy products used for the purpose of cessation that do not emit vapor or smoke.

The prohibition against tobacco also includes electronic cigarettes, meaning any oral device that provides a vapor of liquid nicotine, lobelia and/or other substance and the use of inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as vaporizers, e-cigarettes, e-cigars, e-pipes or any other electronic nicotine delivery system under any product name or description.

E. School buildings means local school system owned or leased buildings.

F. School grounds means local school system owned or leased land that surrounds a school building.

G. School property means school buildings, school grounds, school system owned or leased vehicles, and any other location that is used for a school-sponsored event. For students, it includes any other location used for official curricular or extracurricular activities, including any field trips.

- H **School-sponsored event** means an event organized by an employee in the scope of their employment.

112.3 Provisions Applicable to Employees

- A. All individuals employed by the Board have the responsibility to work diligently to discourage and prevent the use of drugs, alcohol, steroids, and tobacco by students. Employees are prohibited from engaging in any of the above in the presence of students at a school-sponsored event; and in the absence of students, employees are prohibited from engaging in any of the above while performing official business on behalf of the school system as directed by his/her supervisor.
- B. Any violation of this policy may result in appropriate disciplinary action against an offender up to and including suspension or termination of employment. Any illegal activities may be referred to law enforcement officials. An employee may be required to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitation program.
- C. All employees will be furnished information periodically about the dangers of drug abuse in the workplace and informed about drug or alcohol counseling and rehabilitation programs.
- D. Eligible employees may also access services through the employee assistance program offered through the Frederick County Public Schools (FCPS) medical plan.
- E. Any employee who is taking medication which may affect the employee's ability to perform a job in a safe and productive manner, must report such use to the work site supervisor. The supervisor, in consultation with Human Resources/Employee Benefits staff, will determine if the employee should remain at work, be restricted in duties, or be sent home.

NOTE: Employees may not be under the influence of medical cannabis while they are acting in the scope of their employment.

- F. Employees must notify the Superintendent of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Appropriate disciplinary action against the offender up to and including suspension or termination of employment will be taken which may require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program.

112.4 Provisions Applicable to Students

- A. The school system shall take appropriate disciplinary action against a student who violates these standards up to and including suspension and expulsion and referral for prosecution. The student may be required to complete an appropriate rehabilitation program. Students and parents will be informed about any drug and alcohol counseling and rehabilitation and re-entry programs that are available to students.
- B. Age-appropriate, developmentally-based drug and alcohol education and prevention programs must be provided for all students in all grades. The programs must address the legal, social, and health consequences of drug and alcohol use and

provide information about effective techniques for resisting peer pressure to use illicit drugs or alcohol.

- C. A drug and alcohol assessment is mandatory for students who are suspended for substance abuse. The assessment procedure requires family involvement conducted for the purpose of providing consultation and suggestions to the family. This is a combined effort of the Frederick County Health Department and the Frederick County School Counseling Program.
- D. Teachers and other staff members who suspect a student of violating this policy must refer the student to the building administrator. Students seeking help should not be referred for disciplinary action. Administrators are to investigate possible violations in accordance with regulations issued by the Superintendent. Administrators must assure that any disciplinary action is taken in accordance with due process.
- E. Exceptions for a student who is a qualifying medical cannabis patient as outlined in FCPS Regulation 400-23 Medication Administration will be made as required per Maryland law.

112.5 Provisions Applicable to Outside Persons and Groups

- A. Individuals other than employees/students who violate the policy shall be reported to the appropriate police authority.
- B. Outside individuals who violate the policy regarding tobacco use shall be subject to the following:
 - 1st offense: Verbal warning that must include the explanation of the Board policy.
 - 2nd offense: Written statement of the policy shall be issued with the warning that a no trespass letter will be filed with the police if the violations continue.
 - 3rd offense: No trespass letter issued with stipulation that the violator can only be on local school system owned or leased property with administrator or manager permission.
- C. Any person or organization permitted to use school buildings or school grounds (e.g., use of facility form) must comply with the policy. Violations of the policy will result in the use permit being terminated through the remainder of the use period.
- D. This policy shall also be in effect for any person or entity leasing or otherwise occupying a school system owned building. Violations of the policy will result in reporting the violation to the lessor, in writing, with a specific request for compliance.

112.6 Provisions Applicable to Heroin and Opioid Education and Awareness

The Board recognizes its role and responsibility to work jointly and collaboratively with the Frederick County Health Department and the Maryland State Board of Education to execute its responsibility under the *Heroin and Opioid Education and Community Action Act of 2017 (Start Talking Maryland Act)* as it relates to:

- implementing curriculum related to heroin and opioid addiction and prevention,
- administration of naloxone or other overdose-reversing medication to an individual on school property who is believed to be experiencing an opioid overdose,
- to store such medication according to state regulation; and
- to provide notification of this policy to parents/guardians of FCPS students.

The Superintendent is directed to issue regulation to implement the mandates of this policy.