

<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>DRUG-FREE, ALCOHOL-FREE, AND TOBACCO-FREE WORKPLACE AND SCHOOL SYSTEM</b>	<b>SECTION 112</b>
<b>112.1 Definitions</b> <b>112.2 Statement of Policy</b> <b>112.3 Provisions Applicable to Employees</b> <b>112.4 Provisions Applicable to Students</b> <b>112.5 Provisions Applicable to All Persons and Groups</b>	<b>Adopted:</b> <b>7/13/05</b> <b>Reviewed:</b> <b>5/27/09</b> <b>Amended:</b> <b>6/10/09</b>

**112.1 Definitions:**

A. **Alcohol** means alcohol, brandy, whiskey, rum, gin, cordial, beer, ale, porter, stout, wine, cider, and any other spirituous, vinous malt or fermented liquor, liquid, or compound, by whatever name called, containing one half of one percent or more of alcohol by volume, which may be ingested.

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 man or other animals; and
3. Substances (other than food) intended to affect the structure or any function of the body of man or other 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 Maryland Controlled Dangerous Substances Act;
2. A prescription medication used or dispensed improperly or in contradiction to the prescription; or
3. A chemical substance when used for unintended and harmful purposes.

- D. **Tobacco** means products derived from the tobacco plant that are smoked, chewed, sniffed, or otherwise consumed. Tobacco does not include nicotine replacement therapy.
- 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 and school grounds and any school system owned or leased vehicles. For board employees, it includes any other location where the employee is engaged in official duties. For students, it includes any other location used for official curricular or extracurricular activities, including any field trips.

### **112.2 Statement of Policy**

The board desires to maintain a safe, healthy, and productive environment free of alcohol, tobacco, and other drugs and hereby establishes a drug, alcohol, and tobacco-free 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. In addition, students may not possess or use drugs, alcohol, or tobacco in any form on or off school property as identified in regulation. This policy does not apply to individuals providing an educational unit on the effects of tobacco, alcohol, or drugs.

Exemption: For purposes of the policy, it shall not be considered a violation for schools to possess or house products that contain alcohol as it relates to legitimate health and educational program needs.

### **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.
- 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 FCPS medical plan.
- E. Any employee who is under medication or taking any drug, 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 will determine if the employee should remain at work, be restricted in duties, or be sent home.

- 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. An 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.

#### **112.5 Provisions Applicable to All Persons and Groups**

- A. A non-employee/non-student who violates the policy regarding alcohol or other drugs shall be reported to the appropriate police authority.
- B. A non-employee/non-student who violates the tobacco policy 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.
- E. Frederick County Public Schools shall post notification that school buildings and grounds are tobacco-free.