

BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: September 6, 2011

TO: **BOARD OF EDUCATION**

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: **CONSIDERATION OF THE PROPOSED CHANGES OF BOARD OF EDUCATION POLICY 5530, STUDENT USE AND POSSESSION OF TOBACCO**

ORIGINATOR: Renee A. Foose, Deputy Superintendent

RESOURCE PERSON(S): Michele Prumo, Chief of Staff
Dale R. Rauenzahn, Executive Director, Student Support Services

RECOMMENDATION

That the Board of Education approves the proposed changes to Policy 5530. This is the third reading.

Attachment I – Policy Analysis
Attachment II – Policy 5530

**POLICY ANALYSIS FOR
BOARD OF EDUCATION POLICY 5530
STUDENT USE AND POSSESSION OF TOBACCO**

Statement of Issues or Questions Addressed

Board of Education Policy 5530 has not been reviewed since 1999. Policy 5530 prohibits students from using or possessing tobacco products on school property or at school-sponsored activities. Staff is recommending that the policy be revised to: (1) more accurately reflect the Board's philosophy; (2) include smoking danger education requirement mandated by State regulation (the Maryland Comprehensive Health Education Program); (3) specify that disciplinary action will be taken for non-compliance; (4) conform with the Policy Review Committee's policy editing conventions. Staff is also recommending that the title be changed to clearly identify this policy with students so that it will not be confused with Board of Education Policy 2372, *Tobacco*, which prohibits the use of tobacco by employees.

Cost Analysis and Fiscal Impact on School System

No fiscal impact is anticipated by the revision of this policy.

Relationship to Other Board of Education Policies

1. Board of Education Policy 2372, *Tobacco*
2. Board of Education Policy 5330, *Social Events*
3. Board of Education Policy 5500, *Conduct*
4. Board of Education Policy 5550, *Disruptive Behavior*
5. Board of Education Policy 5560, *Suspensions, Assignment to Alternative Programs, or Expulsions*
6. Board of Education Policy 5600, *Students' Rights and Responsibilities*

Legal Requirements

1. *Annotated Code of Maryland, Criminal Law Article §10-107, Distribution of Tobacco Product to Minor*
2. *Annotated Code of Maryland, Criminal Law Article §10-108, Possession of Tobacco Product by Minor; Use of False Identification*
3. COMAR 13A.02.04, *Tobacco-Free School Environment*
4. COMAR 13A.04.18, *Program in Comprehensive Health Education*
5. COMAR 13A.08.01.08, *Substance Use or Distribution*

Similar Policies Adopted by Other Local School Systems

1. Anne Arundel County Board of Education, Policy JCC, *Student Conduct*
2. Fredrick County Board of Education, *Drug-Free, Alcohol-Free, and Tobacco-Free Workplace and School System*
3. Harford County Board of Education, *Use of Tobacco Products*
4. Howard County Board of Education, Policy 9240, *Student Use and Possession of Tobacco Products*

Draft of Proposed Policy

Attached

Other Alternatives Considered by Staff

No other alternatives were considered by staff.

Timeline

First reading – July 12, 2011

Public comment – August 9, 2011

Third reading/vote – September 6, 2011

STUDENTS: Conduct

STUDENT USE AND POSSESSION OF Tobacco

I. PHILOSOPHY

- A. THE BOARD OF EDUCATION OF BALTIMORE COUNTY (BOARD) IS COMMITTED TO PROVIDING SCHOOL ENVIRONMENTS THAT ARE SAFE AND CONDUCIVE TO LEARNING. THE BOARD RECOGNIZES THAT THE USE OF TOBACCO PRODUCTS POSES A SERIOUS HEALTH RISK TO BOTH USERS AND NON-USERS OF TOBACCO PRODUCTS. THE BOARD FURTHER BELIEVES THAT THE SCHOOL SYSTEM HAS THE RESPONSIBILITY TO EDUCATE ITS STUDENTS ON THE DANGERS OF TOBACCO USE.
- B. THE SALE, USE, OR POSSESSION OF TOBACCO IN ANY FORM BY STUDENTS IS PROHIBITED IN ALL BALTIMORE COUNTY PUBLIC SCHOOLS, IN SCHOOL SYSTEM BUILDINGS, ON SCHOOL GROUNDS, AND AT ANY SCHOOL-SPONSORED ACTIVITY.

II. IMPLEMENTATION

THE SUPERINTENDENT SHALL DEVELOP APPROPRIATE RULES TO IMPLEMENT THIS POLICY, WHICH SHALL INCLUDE THE POSSIBILITY OF DISCIPLINARY ACTION FOR VIOLATIONS OF THIS POLICY.

[The Board of Education of Baltimore County recognizes the use of tobacco as a serious threat to health.

Students are prohibited from the use and/or possession of tobacco or tobacco products on school property or at school-sponsored activities.

The Superintendent of Schools is hereby directed to enact rules to implement this policy.]

Legal ReferenceS: *ANNOTATED CODE OF MARYLAND, CRIMINAL LAW ARTICLE §10-107, DISTRIBUTION OF TOBACCO PRODUCT TO MINOR*
ANNOTATED CODE OF MARYLAND, CRIMINAL LAW ARTICLE §10-108, POSSESSION OF TOBACCO PRODUCT BY MINOR; USE OF FALSE IDENTIFICATION
COMAR 13A.02.04, TOBACCO-FREE SCHOOL ENVIRONMENT
COMAR 13A.04.18, PROGRAM IN COMPREHENSIVE HEALTH EDUCATION
COMAR 13A.08.01.08, SUBSTANCE USE OR DISTRIBUTION

[Maryland Law, Art. 27, §406. *Possession or Use of a False Identification to Obtain Tobacco Products or Rolling Papers*, Code of Maryland Regulations (COMAR)
COMAR 13A.02.04, Tobacco Free School Environment
COMAR 13A.08.01.08B, Substance Use of Distribution, Tobacco Board of Education Policy 2372, Administration: Administration Operations, Conduct, Tobacco]

RELATED POLICIES: *BOARD OF EDUCATION POLICY 2372, TOBACCO*
BOARD OF EDUCATION POLICY 5330, SOCIAL ACTIVITIES
BOARD OF EDUCATION POLICY 5500, CONDUCT
BOARD OF EDUCATION POLICY 5540, ALCOHOLIC BEVERAGES AND DRUGS
BOARD OF EDUCATION POLICY 5550, DISRUPTIVE BEHAVIOR
BOARD OF EDUCATION POLICY 5560, SUSPENSIONS, ASSIGNMENT TO ALTERNATIVE PROGRAMS, OR EXPULSIONS
BOARD OF EDUCATION POLICY 5600, STUDENTS' RIGHTS AND RESPONSIBILITIES

Policy
Adopted: 11/29/73
Revised: 07/09/81
Revised: 01/12/99
REVISED: _____

Board of Education of Baltimore County