

BOARD OF EDUCATION OF HARFORD COUNTY

INFORMATIONAL REPORT

RECOMMENDATION ON

**USE OF TOBACCO PRODUCTS
POLICY NO. 20-0040-000**

**EDUCATION OF HOMELESS STUDENTS
POLICY NO. 02-0006-000**

**STUDENT INSURANCE
POLICY NO. 02-0023-000**

OCTOBER 14, 2019

Background Information:

The Board maintains a manual which sets forth the various policies of the Harford County Public Schools. The manual contains policies which are either required by federal and state law and regulation or which are, in the Board's judgment, necessary and appropriate for the school system to operate in a lawful, appropriate and effective manner. Included among such policies are those entitled:

20-0040-000 Use of Tobacco Products
02-0006-000 Education of Homeless Students
02-0023-000 Student Insurance

Discussion:

Various sections of the Board Policy Manual are under revision. Included within the District Management and Student sections are the following policies.

1. 20-0040-000 Use of Tobacco Products

This policy has been revised to address new products on the market related to the use of tobacco and other substances, including vaping, juuling and e-cigarettes; student disciplinary consequences resulting from the use of these products on school property; the availability of on-line classes through the Health Department. It has also been recommended that the title of the policy be changed to: Tobacco-Free and Inhalant-Free School Environment.

This policy was presented to the Board for its review at its April 8, 2019, business meeting. The Board at that time requested that the proposed, revised, retitled policy be reviewed by the BPRC to answer/clarify various questions the Board had regarding the education classes, e.g. the period of time the student had to complete the class, availability of the classes and extensions of time for students regarding completion of the class.

The BPRC reviewed the proposed policy at its meeting of May 6, 2019. Further revisions were made to the proposed policy at that time, including changes made to the disciplinary consequences section.

As noted above, this proposed policy was presented to the Board on April 8, 2019. Due to the change of Board members effective July, 2019, Board President Robinson directed that the proposed policy be presented again to the Board for a first review. Thus, the proposed policy is presented for information and review only at this meeting.

2. 02-0006-000 Education of Homeless Students

This policy was reviewed by the BPRC as changes were made to the McKinney-Vento Homeless Assistance Act of 1987. Children awaiting foster care placement no longer are included in the definition of a homeless student. This language has been removed from the definition.

This policy was presented to the Board at its April 8, 2019 business meeting.

As noted above, this proposed policy was presented to the Board on April 8, 2019. Due to the change of Board members effective July, 2019, Board President Robinson directed that the proposed policy be presented again to the Board for a first review. Thus, the proposed policy is presented for information and review only at this meeting.

3. 02-00023-000 Student Insurance

This policy sets forth a mandate from the Board that accident insurance be made available to students. There are no funds collected by HCPS from the purchaser of student insurance and there are no funds received from the vendor for insurance service. The provision of insurance is primarily for students participating in sports activities who may not be covered by any other insurance policies. The HCPS Risk Manager will continue the practice of contacting an insurance vendor on a yearly basis to ensure that the insurance offered will protect HCPS students, should parents/guardians choose to purchase insurance.

No substantive changes have been made to the policy. This policy has been revised to conform to current Board policy format.

This proposed policy was presented to the Board on April 8, 2019. Due to the change of Board members effective July, 2019, Board President Robinson directed that the proposed policy be presented again to the Board for a first review. Thus, the proposed policy is presented for information and review only at this meeting.

Attachments:

1. Current Board Policy 20-0040-000 entitled Use of Tobacco Products.
2. Proposed, revised, retitled Board Policy 20-0040-000 entitled Tobacco-Free and Inhalant-Free School Environment.
3. Current Board Policy 02-0006-000 entitled Education of Homeless Students.
4. Proposed, revised Board Policy 20-0006-000 entitled Education of Homeless Students.
5. Current Board Policy 02-0023-000 entitled Student Insurance.
6. Proposed, revised Board Policy 02-0023-000 entitled Student Insurance.

Superintendent's Recommendation:

For the foregoing reasons, the Superintendent recommends that the Board review for approval at a subsequent Board meeting the following.

- Proposed revision and retitling of policy entitled 20-0040-000 Tobacco-Free and Inhalant-Free School Environment.
- Proposed revision of policy entitled 02-0006-000 Education of Homeless Students.
- Proposed revision of policy entitled 02-0023-000 Student Insurance.

POLICY TITLE: Use of Tobacco Products		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 12/3/2007	MOST RECENTLY REAFFIRMED: 4/22/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: District Management		

I. Purpose

The purpose of this policy is to establish that use of tobacco products in any form is prohibited on the property of the Harford County Public Schools at all times.

II. Definitions

- A. Tobacco means products derived in the tobacco plant that are smoked, chewed, sniffed or otherwise consumed.
- B. School property means any building or land owned or leased by the Harford County Public School system/Board of Education.
- C. School day means 12:00 a.m. to 11:59 p.m. of each day of the calendar year.

III. Policy Statement

- A. The use or possession of tobacco products by any person is prohibited on the property or in or about the buildings of the Harford County Public Schools during the school day which (as defined herein) means all day of each day of the year.
- B. With respect to students who violate this rule, the following disciplinary procedure shall be followed.
 - 1. 1st offense
 - a. The school administrator will schedule a required conference with the parent/guardian during which the student, parent and administrator will discuss the violation.
 - b. The student shall receive a one-day suspension.

- c. The student shall attend a one-session one hour tobacco education awareness program offered or approved by the Harford County Health Department.
 - d. The student shall provide appropriate documentation of completion of the tobacco education program.
 - e. Failure to attend or successfully complete the tobacco education program shall result in the student receiving an additional four-day suspension.
2. 2nd offense
- a. The school administrator will schedule a required conference with the parent/guardian during which the student, parent and administrator will discuss the violation.
 - b. The student shall receive a five-day suspension.
 - c. The student shall attend a three-session (six hour) tobacco education awareness program offered or approved by the Harford County Health Department.
 - d. The student shall provide appropriate documentation of completion of the tobacco education program.
 - e. Failure to attend or successfully complete the tobacco education program shall result in the student receiving an additional five-day suspension.
3. 3rd offense
- a. The student shall receive a ten-day suspension from school and a referral to the Superintendent of Schools for further disciplinary action. The Superintendent of Schools shall, thereafter, determine the extent of any additional suspension in her discretion.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Reaffirmed	3/10/1980	Amended	6/9/1997		
Amended	1/8/1990	Reaffirmed	4/22/2002		
Amended	6/11/1990	Amended	12/3/2007		
Amended	6/10/1996				

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire		JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Stephen C. Lentowski		JOB POSITION OF PERSON RESPONSIBLE: Director of Student Services
DESIGNEE NAME:		JOB POSITION OF DESIGNEE:
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:		

POLICY TITLE: Use of Tobacco Products TOBACCO-FREE AND INHALANT-FREE SMOKE-FREE SCHOOL ENVIRONMENT		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 12/3/2007	MOST RECENTLY REAFFIRMED: 4/22/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: District Management		

I. Purpose

The purpose of this policy is to establish a school environment **that is free of the following:**

1. **Possession, sale, consumption or use of tobacco or imitation tobacco products, and/or,**

2. **Any device or item which a person uses for the purpose of inhalation.**

This policy does not prohibit use of any device required to be used by a person for legitimate, bona-fide, medical reasons.

II. Definitions

- A. Tobacco Products means products derived ~~in~~ from the tobacco plant that are smoked, chewed, sniffed, **inhaled** or otherwise consumed.
- B. School Property means any building or land owned or leased by the Harford County Public School system/Board of Education.
- C. Inhalation Device or Item means any device or item which is used or intended to be used or to be consumed so as to allow inhalation of any substance; including but not limited to, a vape, cigarettes, e-cigarettes, a Juul or pipes. Inhalation device or item does not include a device or a legal item required to be used or to be consumed by a person for legitimate, bona fide medical reasons.

D. Vape means any device which is used for the purpose of inhalation of any vaporized substance.

E. E-Cigarette means a handheld electronic device designed or intended to create for the user thereof the sense or feeling of smoking tobacco.

F. Imitation Tobacco Products means any item which is grown or manufactured, which is not tobacco, but intended to produce or simulate the effects of tobacco.

G. Paraphernalia means any item used or designed to be used to facilitate the operation of an Inhalation Device or Item, including, but not limited to liquid drip tips or chargers.

III. Policy Statement

A. The following are prohibited on school property at all times.

1. **Possession, sale, use or consumption of:**

a) **Tobacco products and/or imitation tobacco**

products,

b) **Inhaling Device or Item, including but not limited to,**

vapes, e-cigarettes, pipes or a Juul.

c) **Paraphernalia.**

B. With respect to students who violate this policy, the following disciplinary procedure shall be followed:

1. **First Offense**

- a. The parent/student shall attend a conference, in person or by phone, with the school administrator during which the student, parent and administrator ~~will~~ **shall** discuss the violation.

- b. The student shall **complete and pass**, a **one-session (one hour) ~~three-session (six-hour)~~** tobacco/inhalant education awareness online course offered or approved by the Harford County Health Department.

- c. The student shall provide to the school administration appropriate documentation of completion and passing of the tobacco/inhalant education program within 3 days of the school administration's enrollment of the student in the online tobacco/inhalant education awareness class.

- d. The student shall receive a one-day suspension if he or she fails to comply with the requirements of subsections III.B.(1) (a), (b) and (c) above.

2. **Second Offense**

- a. The parent/student shall attend a conference, in person or by phone, with the school administrator during which the student, parent and administrator ~~will~~ **shall** discuss the violation.

- b. **The school administration may take disciplinary action relative to the student such as interventions, restorative practices or suspension of no more than one day, if the**

student fails to comply with the requirements of
subsection III. B. (2) (a) above.

3. Third Or More Offense

- a. The student shall receive a suspension of four to ten days.**

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D.
Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Reaffirmed	3/10/1980	Amended	6/9/1997		
Amended	1/8/1990	Reaffirmed	4/22/2002		
Amended	6/11/1990	Amended	12/3/2007		
Amended	6/10/1996				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Bernard Hennigan	JOB POSITION OF PERSON RESPONSIBLE: Executive Director of Student Services
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

COMAR 13A.02.04

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.

POLICY TITLE: EDUCATION OF HOMELESS STUDENTS		
ADOPTION/EFFECTIVE DATE May 9, 2005	MOST RECENTLY AMENDED: May 14, 2018	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

I. Purpose

The purpose of this policy is to set forth the Board's commitment to educating students who are homeless in accordance with federal and state law and regulation.

II. Definitions

A. Homeless student means:

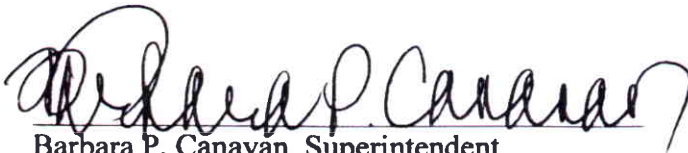
1. A child or youth who lacks a fixed, regular, or adequate nighttime place of residence.
2. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, are living in emergency or transitional shelters, also referred to as transitional housing, are abandoned in hospitals, or are awaiting foster care placement.
3. Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for individuals.
4. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
5. Migratory children, as defined in §6399 of Title 20, who qualify as homeless for the purposes of the McKinney-Vento Act.
6. A child awaiting foster care placement.

B. McKinney-Vento Homeless Assistance Act of 1987 ("McKinney-Vento Act") means: Federal law codified at 42 United States Code § 11431 *et seq.*

III. Statement of Policy

- A. The Board affirms its commitment to provide educational services and supports to homeless students in accordance with the McKinney-Vento Act; Code of Maryland Administrative Regulations (“COMAR”) 13A.05.09 and any other pertinent law.
- B. In furtherance of the above commitment the Board directs the Superintendent to:
 - 1. Appoint a coordinator for the education of the homeless who shall ensure that homeless students are identified and served in accordance with the McKinney-Vento Act; COMAR 13A.05.09, and any other pertinent law or regulation.
 - 2. Adopt procedures to implement this policy.

Board Approval Acknowledged By:



Barbara P. Canavan, Superintendent
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	7/9/1990	Amended	8/23/1999		
Amended	8/20/1990	Amended	5/30/2002		
Amended	7/8/1991	Amended	5/14/2018		
Amended	6/12/1995				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Mr. Bernard Hennigan	JOB POSITION OF PERSON RESPONSIBLE: Director of Student Services
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

All references are set forth in the Policy.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.

POLICY TITLE: EDUCATION OF HOMELESS STUDENTS		
ADOPTION/EFFECTIVE DATE: May 9, 2005	MOST RECENTLY AMENDED: May 14, 2018	MOST RECENTLY REAFFIRMED:
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

I. Purpose

The purpose of this policy is to set forth the Board's commitment to educating students who are homeless in accordance with federal and state law and regulation.

II. Definitions

A. Homeless student means:

1. A child or youth who lacks a fixed, regular, or adequate nighttime place of residence.
2. Children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations, are living in emergency or transitional shelters, also referred to as transitional housing, are abandoned in hospitals, or are awaiting foster care placement.
3. Children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for individuals.
4. Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
5. Migratory children, as defined in §6399 of Title 20, who qualify as homeless for the purposes of the McKinney-Vento Act.

~~6. A child awaiting foster care placement.~~

B. McKinney-Vento Homeless Assistance Act of 1987 ("McKinney-Vento Act") means: Federal law codified at 42 United States Code § 11431 *et seq.*

III. Statement of Policy

- A. The Board affirms its commitment to provide educational services and supports to homeless students in accordance with the McKinney-Vento Act; Code of Maryland Administrative Regulations (“COMAR”) 13A.05.09 and any other pertinent law.
- B. In furtherance of the above commitment the Board directs the Superintendent to:
 - 1. Appoint a coordinator for the education of the homeless who shall ensure that homeless students are identified and served in accordance with the McKinney-Vento Act; COMAR 13A.05.09, and any other pertinent law or regulation.
 - 2. Adopt procedures to implement this policy.

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D
Superintendent

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Adopted	7/9/1990	Amended	8/23/1999		
Amended	8/20/1990	Amended	5/30/2002		
Amended	7/8/1991	Amended	5/14/2018		
Amended	6/12/1995				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER General Counsel
PERSON RESPONSIBLE: Mr. Bernard Hennigan	JOB POSITION OF PERSON RESPONSIBLE: Director of Student Services
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

All references are set forth in the Policy.

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.

POLICY

Harford County Public Schools

POLICY TITLE: Student Insurance		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 8/23/1999	MOST RECENTLY REAFFIRMED: 5/20/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: Students		

The Harford County Public Schools may make available on an annual basis student accident insurance. School personnel shall not be responsible for collecting funds for this purpose.

Board Approval Acknowledged By:

Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Reaffirmed	6/9/1980				
Amended	1/21/1998				
Amended	8/23/1999				
Reaffirmed	5/20/2002				

Responsibility for Policy Maintenance & References		
LAST EDITOR/DRAFTER NAME: Unknown		JOB POSITION OF LAST EDITOR/DRAFTER: Unknown
PERSON RESPONSIBLE:		JOB POSITION OF PERSON RESPONSIBLE:
DESIGNEE NAME: N/A		JOB POSITION OF DESIGNEE: N/A
REFERENCE 1 TYPE:	REFERENCE 1 NO.	REFERENCE 1 DESCRIPTION:
REFERENCE 2 TYPE:	REFERENCE 2 NO.	REFERENCE 2 DESCRIPTION:
REFERENCE 3 TYPE:	REFERENCE 3 NO.	REFERENCE 3 DESCRIPTION:
REFERENCE 4 TYPE:	REFERENCE 4 NO.	REFERENCE 4 DESCRIPTION:
REFERENCE 5 TYPE:	REFERENCE 5 NO.	REFERENCE 5 DESCRIPTION:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005: Students .07.01.075		

POLICY TITLE: STUDENT INSURANCE		
ADOPTION/EFFECTIVE DATE:	MOST RECENTLY AMENDED: 8/23/1999	MOST RECENTLY REAFFIRMED: 5/20/2002
POLICY/PROCEDURE MANUAL SUMMARY CATEGORY: STUDENTS		

~~The Harford County Public Schools may make available on an annual basis student accident insurance. School personnel shall not be responsible for collecting funds for this purpose.~~

~~**Board Approval Acknowledged By:**~~

~~_____
Patricia L. Skebeck, Secretary and Treasurer
Board of Education of Harford County~~

I. Purpose

The purpose of this policy is to authorize the Superintendent to make available to students and their parents/ guardians accident insurance.

II. Definitions

A. Accident Insurance means insurance which pays claims in whole or in part made by students and their parents/guardians for injuries or death which occur while the student is under the control and supervision of HCPS.

III. Statement of Policy

A. The Superintendent shall cause accident insurance to be available each school year to students and their parents or guardians.

B. The Superintendent shall establish such procedures as deemed necessary to implement this policy.

Board Approval Acknowledged By:

Sean W. Bulson, Ed.D., Superintendent

POLICY

Policy Action Dates					
ACTION	DATE	ACTION	DATE	ACTION	DATE
Reaffirmed	6/9/1980				
Amended	1/21/1998				
Amended	8/23/1999				
Reaffirmed	5/20/2002				

Responsibility for Policy Maintenance & References	
LAST EDITOR/DRAFTER NAME: Patrick P. Spicer, Esquire	JOB POSITION OF LAST EDITOR/DRAFTER: General Counsel
PERSON RESPONSIBLE: Ms. Katie Ridgway	JOB POSITION OF PERSON RESPONSIBLE: Risk Manager
DESIGNEE NAME:	JOB POSITION OF DESIGNEE:
POLICY NUMBER PRIOR TO NOVEMBER 1, 2005:	

LEGAL REFERENCES¹

¹ All references are to specific federal or Maryland statutes or regulations. References are provided for convenience and informational purposes only and are not to be considered as exhaustive or as precluding Harford County Public Schools from relying upon any other statutes or regulations in support of a policy.