

TOBACCO USE AND POSSESSION ADMINISTRATIVE PROCEDURE

The purpose of the following administrative procedure is to effectuate the mandates imposed by the various federal and state laws in addition to this Board’s “Tobacco Use and Possession” policy.

I. PROHIBITED CONDUCT

A. Students

The use, possession, sale, dispensing or distribution of tobacco products by **all** students is prohibited in school buildings and facilities, during school-sponsored events, on school grounds and buses, and at all other times.

B. Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited in school buildings, facilities and on school buses, during school-sponsored events and at all other times on school grounds

In addition, employees and all other persons are strictly prohibited, under law and this Board’s policy/administrative procedure, from selling, dispensing or distributing tobacco products to students.

II. ENFORCEMENT

In order to enforce the tobacco products policy, the following guidelines shall be utilized by the Principal of a school in which prohibited conduct occurs. The Principal shall report any violations of this policy/procedure, as promptly as practicable, to the Superintendent.

A. Student Violations

1st Violation

- 1) Parents/legal guardians shall be sent written notice regarding the tobacco violation which shall be signed by the parent/legal guardian and returned to the school.
- 2) Up to five days in-school suspension or out-of- school suspension. The student will read a Board - provided packet of information about tobacco products and complete an accompanying question/answer page in a satisfactory manner.
- 3) The student will not be allowed to participate in any after school or extracurricular activity during the suspension period.
- 4) The student shall be referred to a school counselor, Student Assistance Team or other available resource.

2nd Violation

- 1) Parents/legal guardians shall be sent written notice regarding the tobacco violation which shall be signed by parent/legal guardian and returned to the school. A parent/legal guardian shall also be required to meet with Principal or designee within five days of the violation.
- 2) Up to five days in-school suspension or out-of-school suspension.
- 3) The student will not be allowed to participate in any after school or extracurricular activity during the suspension period.

4. The student shall be referred to a school counselor, Student Assistance Team or other available resource.

3rd Violation

- 1) Parents/legal guardians shall be sent written notice regarding the tobacco violation which shall be signed by parent/legal guardian and returned to the school. A parent/legal guardian shall also be required to meet with Principal or Designee within five days of the violation.
- 2) Minimum of five-day suspension.
- 3) The student shall be referred to school counselor, Student Assistance Team or other available resource.
- 4) The student will not be allowed to participate in any after school or extracurricular activity for the remainder of the school year.

B. Student Referral to Law Enforcement Agency

The Superintendent or his/her designee reserves the right to refer students to a law enforcement agency, on a case-by-case basis, as he/she may deem necessary. However, the Superintendent/designee shall refer to a law enforcement agency any student reasonably suspected of selling, dispensing or distributing tobacco products.

C. Other Persons in Violation

All other persons violating this policy, e.g., employees, visitors, shall be immediately directed to cease violative behavior. In addition, all persons suspected of selling, distributing or in any way dispensing tobacco products to students shall be referred to a law enforcement agency.

Any employee violating this policy shall be subject to appropriate disciplinary measures.

III. NOTICES

This Board's policy and corresponding disciplinary actions for infractions of this policy shall be printed in employee and student handbooks. Parents/guardians shall also be sent notification in writing of this Board's tobacco policy and administrative procedures. Notices shall be signed by parents/legal guardians and returned to the school where they shall be kept on file by the school unit.

Legal References: 20 USC § 6081 (Pro-Children Act of 1994—Goals 2000)
22 MRSA § 1578-B
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)

Adopted: March 26, 2002