

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 (ADC).

I. PROHIBITED CONDUCT

A. Students

The use, possession, sale, dispensing or distribution of tobacco products, or look-alike tobacco products or any product that is represented to be tobacco, by any student is prohibited in school buildings and facilities, during school-sponsored events, on school grounds and on school buses.

B. Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited in school buildings and facilities, on school buses, during school-sponsored events and 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. The tobacco product, look-alike product, or product purported to be tobacco shall be confiscated. Parents/legal guardians shall be notified by telephone and sent written notice regarding the tobacco violation which shall be signed by the parent/legal guardian and returned to the school within 2 school days.
2. A minimum of one day of detention and up to three days of detention OR in-school suspension OR suspension shall be given to the student.
3. The student will not be allowed to participate in any school sponsored extracurricular activity during the detention or suspension period.

2nd Violation

1. The tobacco product, look-alike product, or product purported to be tobacco shall be confiscated. Parents/legal guardians shall be notified by telephone and sent written notice regarding the tobacco violation which shall be signed by the parent/legal guardian and returned to the school within 2 school days. The building principal shall request a meeting with the parent/legal guardian to occur prior to the student's return to school.
2. A minimum of one day in-school suspension and up to five days of in-school or suspension shall be given to the student.
3. The student will not be allowed to participate in or attend any school sponsored extracurricular activity or be on the school grounds during the suspension period.
4. The student shall be referred to the Guidance Department for education on available

support and resources regarding tobacco products and their use.

3rd Violation

1. The tobacco product, look-alike product, or product purported to be tobacco shall be confiscated. Parents/legal guardians shall be notified by telephone and sent written notice regarding the tobacco violation which shall be signed by the parent/legal guardian and returned to the school within 2 school days.
2. Minimum of five-day suspension shall be given to the student.
3. The building principal shall initiate the expulsion process.
4. The student will not be allowed to participate in or attend any extracurricular activity or be on school grounds during the suspension period. Additionally, the student will not be allowed to participate in or attend any extracurricular activity during the pendency of any expulsion process or hearing.

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. Notification by Building Principal

In the event a student is given detention or is suspended pursuant to this Administrative Procedure, the Building Principal shall notify the appropriate extra curricular activity supervisor(s) to ensure the student's compliance with the consequences of the violation.

D. 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, look-alike products, or products purporting to be tobacco to students shall be referred to a law enforcement agency.

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

E. Confiscated Items

All confiscated items shall be released to law enforcement officers or shall be disposed of following the conclusion of any disciplinary action.

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.

Legal References: 20 USC § 6081-6084 (Pro-Children Act of 1994)
22 MRSA § 1578-B
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)

Board Policy References: Tobacco Use and Possession (ADC)

Adopted: April 6, 2005