

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.

Definition: When used in this Administrative Procedure, the phrase "tobacco products" include, but not limited to, tobacco products and tobacco-related devices, imitation tobacco products, electronic vaporizer devices, including e-cigarettes, e-hookahs, vape pens or other forms of vaporizers not medically prescribed.

I. PROHIBITED CONDUCT

A. Students

The use, possession, sale, dispensing or distribution of tobacco products by **any** students is prohibited in school buildings and facilities, during school-sponsored events, on school grounds and buses, in any vehicle, 24 hours a day and 365 days per year. ~~and at all other times.~~

B. Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited at all times (24 hours a day and 365 days per year) on school grounds. This includes school buildings, facilities, and school buses, or other vehicles during school-sponsored events whether at home or away. 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.

Students in violation of the tobacco policy will be given a list of resources on a tobacco cessation program. Any costs for these programs will be the responsibility of the student and/or student's family.

Procedure for Enforcing the Policy:

Students:

1. First incident

- a. Confiscate material or investigate to determine whether the student has been using tobacco. If the student is found to have used tobacco products in violation of this policy, then proceed with all the following steps.
- b. 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.
- c.
- d. A parent/legal guardian shall also be required to meet with a Principal or teacher within five days of the violation.
- e. Refer student to guidance and tobacco prevention education;
- f. In-school suspension for the student;
- g. Recommend appropriate education/cessation program;
- h. If appropriate, then law enforcement may be notified of the student violating state tobacco laws.

2. Second and subsequent Incidents

- a. 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.
- b. A parent/legal guardian shall also be required to meet with a Principal or teacher within five days of the violation.
- c. The student may be suspended for up to five days, depending on the situation and the age of the student
- d. Restrictions on extra-curricular activities are as outlined above, 2a-c. In addition to the above-identified sanctions, students may be removed from extra-curricular activities for the remainder of the year;
- e. In addition, law enforcement will be notified of the student violating state smoking laws.

School Staff Member:

For all instances of smoking the following procedure will be followed:

1. First incident

- a. Investigate to determine whether the staff member has violated Policy ADC
- b. Notify law enforcement if appropriate
- c. Hold conference with the principal
- d. Review the policy, issue verbal warning by the principal
- e. Offer cessation materials and information about local cessation program. 2. Second incident

- a. Investigate to determine whether the staff member has violated Policy ADC

- b. Notify law enforcement ~~if appropriate~~
- c. Hold Conference with administration and immediate supervisor
- d. Review the policy, issue a written warning that will be placed in personnel file.
- e. Offer cessation materials and information about local cessation program.

For third instance of smoking on school property or for any instance of selling, distributing or in any way dispensing tobacco products to students on school property, staff will immediately be referred to the Superintendent of Schools for disciplinary action up to and including dismissal.

School Visitor:

1. Principal or staff will inform them of the tobacco-free policy and ask them to refrain from using the product.
2. Persons who do not comply will be asked to leave the property. If they refuse to leave, and continue to make themselves unwelcome, then law enforcement may be called upon to escort trespassers off the premises

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 law enforcement.

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. A tobacco-free campus statement shall be read at the beginning of any adult education course and most athletic contests. Those adults using tobacco products at games or events will be asked by law enforcement or administration to extinguish any such products. Tobacco-free signs shall be posted at all entrances of school buildings, school playgrounds and athletic fields.

IV. PROHIBITIONS AGAINST ADVERTISING

The Board prohibits any form of tobacco advertising in school buildings, at school functions and in school publications. This includes prohibiting tobacco companies from sponsoring school functions. Moreover, employees and students are prohibited from wearing or displaying any type of tobacco promotional material and will be asked to change the inappropriate apparel.

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)

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First Revision: