

## TOBACCO USE AND POSSESSION ADMINISTRATIVE PROCEDURE

The rationale of the following administrative procedure is to effectuate the mandates imposed by the various federal and state laws in addition to Regional School Unit #34 (RSU #34) Board policy ADC – Tobacco Use and Possession.

The administration of this policy will discourage the use of tobacco products, encourage tobacco cessation treatment, and establish appropriate consequences of policy violations.

### PREVENTION

Tobacco prevention and education will be included in the comprehensive health education curriculum throughout the RSU.

#### I. PROHIBITED CONDUCT

##### a. Students

Students are prohibited from the use, possession, or/and distribution of any and all tobacco products in/on any RSU facility and/or grounds, and any RSU sponsored event on or off school property.

##### Employees and All Other Persons

The use of tobacco products by employees and all other persons is prohibited in school building, facilities, on school grounds, and school sponsored events on or off school property. 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 ADC-Tobacco Use and Possession, the following disciplinary procedures shall be utilized by the school Principal in which the policy violation has occurred. The Principal shall report any violations of this policy/procedure, as promptly as practical, to the Superintendent of Schools.

##### 1. STUDENT VIOLATIONS

###### *Disciplinary Procedure for Elementary Schools*

1. First and Second Incidents
  - a. Confiscate material
  - b. Parent/legal guardian shall be notified
  - c. Hold conference with the school administrator

- d. Refer student for assessment by the counselor, nurse, or person trained in tobacco prevention/cessation.
  - e. The Superintendent 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 shall refer to a law enforcement agency if student is reasonably suspected of selling or distributing tobacco products.
2. Third and Subsequent Incidents
- a. Refer to a-e of first and second incidents
  - b. In school suspension to include tobacco education and prevention.

*Disciplinary Procedure for Middle and High School Students*

1. First and Second Incidents
- a. Confiscate material.
  - b. Parent/Guardian will be notified
  - c. Hold conference with school administrator.
  - d. Possibly refer to police with confiscated material.
  - e. Refer student for assessment by the counselor, health nurse or person trained in tobacco prevention education and/or Maine Tobacco HelpLine 1-800-207-1230
  - f. Suspension (in school or out, depending on the circumstances of the situation) that includes a tobacco education component.
3. Third and Subsequent Incidents
- a. Confiscate material.
  - b. Parent/Guardian will be notified
  - c. Hold conference with school administrator.
  - d. Refer to police with confiscated material.
  - e. Refer student for assessment by the counselor, health nurse or person trained in tobacco prevention education and/or Maine Tobacco HelpLine 1-800-207-1230
  - f. Suspension (in school or out, depending on the circumstances of the situation) that includes a tobacco education component and or community service.

2. PARTICIPANTS IN NON-CURRICULAR EXTRA-CURRICULAR ACTIVITIES

**NOTE:** *Definition of non-curricular extra-curricular activities (ECA) is outlined in Board Policy JJ.* Students involved in any ECA are not allowed to be in violation of this policy at any time during the school year. If an RSU employee (or a source deemed to be reliable by the BA) observes a ECA participant who is either using or in possession of tobacco, that employee/source will report the incident to the BA who will review the details of the incident to determine if a violation has occurred. ECA participants who are found to be in violation of this policy at any time during the school year are subject to the disciplinary actions stated above as well as to those listed below

1. First Offense:
  - a. The student will be placed on a probationary period equaling 20% of the regularly scheduled season.
  - b. During the probationary period the student will not be allowed to represent any RSU school as a member of any team/group at any public forum, including, but not limited to, games, scrimmages, matches, contests, performances, conferences or events during the probationary period.
  - c. If the student wishes to return to the ECA after the probationary period, the student must attend all practices/rehearsals/meetings of that activity during the probationary period. If the student does not attend all activity practices/rehearsals/meetings, he/she forfeits the opportunity to rejoin that ECA following the probationary period.
  - d. The BA will make the final decision as to the student's eligibility to return to the ECA.
2. Second Offense:
  - a. The Superintendent will be informed of the violation.
  - b. The student will be denied participation in any ECA for the remainder of the season.
3. Third Offense:
  - a. The Superintendent will be informed of the violation.
  - b. The student will be denied participation in any ECA for the remainder of the year.
4. Forth Offense:
  - a. The Superintendent will be informed of the violation
  - b. The students will be denied participation in any ECA for their career.
5. EMPLOYEES, VISITORS, AND ALL OTHER PERSONS
  - a. Employees and visitors who violate this policy shall be directed to immediately cease the violative behavior.
  - b. Employees shall be subject to appropriate disciplinary measures.
  - c. Visitors who do not cease the violative behavior will be directed to leave, and the Building Administrator/designee will seek the assistance of law enforcement as/if necessary.
  - d. Any person (including students) over 18 years of age suspected of selling, distributing or in any way dispensing tobacco products to a student under 18 years of age shall be referred to a law enforcement agency.

**NOTE: The Superintendent reserves the right to review any incident and may require the offender to appear before the RSU Board for a Hearing, regardless of any Disciplinary procedure listed in this Policy.**

### **III. COMMUNICATION OF POLICY**

This policy will be printed in student handbooks and posted on the RSU #34 website. Signs will be posted at all entrances of RSU school buildings, playgrounds and athletic fields. An announcement will be made at all school events, including but not limited to, athletic events, music performances, and drama, reminding visitors that it is against school policy and state law to use tobacco on school property.

#### 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)

First Reading: 2-15-12

Adopted: 3-21-12