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<b>SUBJECT: Tobacco Use and Possession Administrative Procedures</b>	
<b>DATE OF ORIGINAL POLICY:</b>	<b>Jan. 24, 2013</b>
<b>DATE OF NEXT REVIEW:</b>	2018
<b>CANCELS POLICY CODE:</b>	None
<b>REVISION DATE:</b>	None
<b>JURISDICTION:</b>	<b>RSU 73 Schools</b>

**POLICY: Tobacco Use and Possession Administrative Procedures**

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 of Directors’ “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 or away from school property, 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 on or away from school property, and at all other times on school grounds. In addition, employees and all other persons are strictly prohibited, under law and this Board of Directors’ policy/administrative procedure, from selling, dispensing or distributing tobacco products to students.

**II. ENFORCEMENT**

The procedure to follow in case of suspected possession and/or use of tobacco is as follows:

**I. Administrative Procedures**

- A. Any staff person who has reason to suspect the possession and/or use of tobacco shall:**
  1. If possible, obtain the tobacco
  2. Immediately inform the principal of such possession or use.

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B. The principal shall:

1. Interview the student
2. Notify parents
3. Notify local law enforcement authorities if the underage student has been using or is in possession of tobacco.
4. Take all necessary action to insure that any violation of policy is terminated and that appropriate disciplinary action is taken with due process for students.
  - a. For disciplinary/corrective action in grades K- 5 emphasis will usually focus on guidance, parental contact, and education efforts whenever the incident is minor and/or the age/maturity of the child indicates a need for a counseling approach to the problem. This is not intended to prohibit disciplinary action if appropriate.
  - b. The penalties in this policy will be the minimum imposed for the following infractions grades 5-12.

C. Records

1. Records will be kept of all tobacco use/possession violations and records will be cumulative by building (K-5, 6-8, 9-12).
2. Violations pertaining to tobacco issues shall remain confidential and will not be forwarded if the student leaves the RSU 73 district. The records will be destroyed upon graduation.

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

1<sup>st</sup> 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. Local law enforcement authorities will be notified if the student is under 18 years of age.
3. Ten (10) day suspension – 5 of these days may be rescinded if the student agrees to and attends a tobacco cessation program approved by the school administrator and guidance counselor. Proof of satisfactory completion of the cessation program and a follow-up interview with the school counselor is required.

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4. The student will not be allowed to participate in any extra or co-curricular activity, except practice, for ten (10) school days following the suspension.

2<sup>nd</sup> 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. A parent/legal guardian shall also be required to meet with the Principal within five days of the violation.
2. Local law enforcement authorities will be notified if the student is under 18 years of age.
3. Ten (10) day suspension
4. Suspended from all extra and co-curricular activities for the remainder of the season, or duration of the activity, loss of award.
5. Student will receive a non-clinical assessment by an RSU73 Student Counselor.

3<sup>rd</sup> 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. A parent/legal guardian shall also be required to meet with the Principal within five days of the violation.
2. Local law enforcement authorities will be notified if the student is under 18 years of age.
3. Ten (10) day suspension
4. The student will be excluded from all extra- and co-curricular activities for a twelve month period.
5. Student will be required to complete a tobacco cessation program. Failure to complete a cessation program will result in recommendation for expulsion.

4<sup>th</sup> Violation

Recommendation to the Board of Directors for expulsion.

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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.

**Prohibitions Against Tobacco Use – Staff**

The use of tobacco products by all school employees on school property or in school vehicles and at school-sponsored functions is prohibited. All faculty and staff of RSU 73 must comply with the Tobacco-Free Campus Policy regulations set forth by the Board.

This policy is established to (1) reflect and emphasize the hazards of tobacco use; (2) further the goal of consistency among ongoing school programs by discouraging students from using tobacco products; (3) protect the health and safety of all students, employees and the general public; and (4) set a non-tobacco example by adults.

Smoking and/or use, sale or distribution of tobacco products by employees on district property or in district or private vehicles is prohibited. Employees of RSU 73 violating this policy will be subject to disciplinary procedures.

**Disciplinary Procedure:**

1. First offense:
  - a. A verbal warning by the appropriate administrator.
  - b. Provide the employee with information on available cessation programs
  - c. A police report may be filed if applicable.
2. Second offense:
  - a. A formal written reprimand by the administrator and a copy to be placed in the employee's personnel file
  - b. A cessation program (with documentation) is required
  - c. A police report may be filed if applicable.
3. Third offense:
  - a. Meeting with the superintendent
  - b. Violations shall be dealt with accordingly based on established policies and procedures for disciplinary action which may include suspension and/or dismissal
  - c. A police report may be filed if applicable.

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### **Prohibitions Against Tobacco Use – Visitors**

All visitors to the RSU 73 Campus must comply with the 24 hour Tobacco-Free School Policy regulations set forth by the School Board of Directors. This includes all functions sponsored by the school or others, including athletics, on or off school property. Visitors observed smoking or using tobacco products will be asked to refrain from smoking or tobacco use while on the RSU 73 Campus. They will be informed of the policy and regulations. In the case of non-compliance, police may be asked to intercede. Repeated violations may result in the Superintendent’s recommendation to prohibit the individual from entering school property. A formal warning letter will be sent from the Superintendent’s office to the person violating the policy, and a copy will be sent to the local police. All individuals on school premises share the responsibility for adhering to and enforcing this policy.

### **Prohibitions Against Tobacco Advertising**

The Board has an obligation to assure that students, who are required by law to attend, are not subjected to commercial messages of any kind without careful analysis of the benefits and risks that pertain in each instance. Advertising of tobacco products is prohibited in school buildings, on school property, at school functions, and in all school publications.

### **III. NOTICES**

This Board of Directors’ 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.

### **Access to Cessation Programs**

Maine Tobacco Helpline – (1-800-207-1230) welcomes youth to call for confidential counseling to help them quit.

“Not on Tobacco” (NOT) – Youth cessation program through the American Lung Association. Website: <http://www.lungusa.org/site/pp.asp?c=dvLUK900E&b=39866>

Alternative to Suspension Program – “Intervening with Teen Tobacco Users” (TEG), A research-based program for ages 12-18. Website: <http://www.communityintervention.org/category/s&>

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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)

**Adopted: January 24, 2013**