

TOBACCO USE AND POSSESSION-ADMINISTRATIVE PROCEDURE

Violation of the Tobacco Use and Possession Policy will be dealt with as specified within this procedure. The consequences and procedures set forth below may be modified by the administration when warranted by the specific circumstances of the particular case.

The building administrator will contact tribal law enforcement anytime a minor student under the age of eighteen (18) has been found to violate this policy. The building administrator shall also refer to tribal law enforcement any student reasonably suspected of selling, dispensing, or distributing tobacco products.

STUDENTS

Possession/use/distribution of tobacco products for grades K-8 students: Any violation of the Tobacco Free Schools Policy by students shall be referred to the appropriate administrator at the building level.

A. First Offense

1. The administrator verifies the first offense.
2. The administrator notifies the parent.
3. The student is suspended for two (2) days (in addition to the day of the incident).
4. A referral is made to tribal law enforcement.
5. A student review meeting is conducted to create a plan for reentry.
6. Smoking cessation programs and other interventions will be discussed with parents/guardians. Indian Health Services will be discussed as an intervention program option.

B. Second and subsequent offenses

1. The administrator verifies the second and subsequent offense(s).
2. The administrator notifies the parent.
3. The administrator notifies and consults with tribal law enforcement.
4. The superintendent is notified.
5. The student is suspended from school until he/she and the parent(s)/guardian(s) meet with the superintendent and the school committee to develop a reentry plan. This may include an extended suspension or expulsion, substance abuse testing, treatment, or other interventions. The student has the right to have counsel present. (Language was added to provide for additional interventions and school committee involvement.)

In all cases the student's needs will be evaluated and information and support provided.

In all cases, tobacco products will be confiscated and turned over to tribal law enforcement. All students will begin each new school year with a clean slate unless the reentry plan states otherwise.

*The student review meeting may include Administrators, tribal law enforcement officials, School Counselor, Parent, Student and family advocate.

OTHER PERSONS IN VIOLATION

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

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

NOTICES

This Joint School Committee policy and corresponding disciplinary actions for infractions of this policy shall be printed in employee and student handbooks. Communications may include but are not limited to: making announcements at outdoor events; posting of signs in appropriate places on school property; publishing notices in local newspapers at the beginning of each school year; posting the tobacco-free policy on the school district web site and documenting the policy in staff and student handbooks.

Legal Reference: 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)