

TOBACCO USE AND POSSESSION POLICY

The Medway School Board, hereinafter referred to as the “Board,” recognizes that research shows that tobacco continues to be the leading cause of preventable disease and death in Maine and the United States, for both users and those exposed to second-hand smoke. The Board is also aware that a growing body of evidence suggests that the chemicals present in the aerosols (“vapor”) produced by electronic smoking devices, may pose significant long-term risks to health, as well the risk of addiction to nicotine.

In order to promote the health and safety of all students, staff, and visitors and to promote the cleanliness of all facilities, the Board prohibits smoking and the use of all other tobacco products in school buildings, facilities, property including parking lots, and on school buses during school-sponsored events and at all other times on school grounds by all persons, including students, employees, and visitors.

DEFINITIONS:

For the purpose of this policy:

“Tobacco use” means smoking or the carrying or possession a tobacco product (22 MRSA §1578-B (1)(D)).

“Smoking” includes carrying or having in one’s possession a lighted or heated cigarette, cigar or pipe or heated tobacco or plant product intended for human consumption through inhalation whether natural or synthetic in any manner or any form. “Smoking” includes the use of an electronic smoking device (22 MRSA § 1541(6)).

“Tobacco product” means any product that is made from or derived from tobacco, or that contains nicotine, that is intended for human consumption or is likely to be consumed, whether smoked, heated chewed, absorbed, dissolved inhaled or ingested by any other means, including but not limited to, a, cigar, hookah, pipe tobacco, chewing tobacco, snuff or snus. “Tobacco product” also means an electronic smoking device and any component or accessory used in the consumption of a tobacco product such as filters, rolling papers, pipes and liquids used in electronic smoking devices whether or not they contain nicotine (22 MRSA § 1551(3)).

The Medway School Department and property shall be tobacco-free 24 hours a day, 365 days per year. This includes all days when school is not in session and all functions taking place on school grounds, such as athletic functions and other activities not associated with, or sponsored by, the school.

Maine law prohibits possession or use of tobacco products by anyone less than 18 years of age. Possession or use of tobacco products by students on district property or in school vehicles and at school-sponsored functions is prohibited.

Advertising of tobacco products is prohibited in school buildings, on school property, at school functions and in all school publications. This includes clothing that advertises tobacco products.

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.

I. PROHIBITED CONDUCT

1. 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 school grounds and buses, and at all other times.

2. 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 and at all other times 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 occurred. The Principal shall report any violations of this policy/procedure, as promptly as practical, to the Superintendent.

IV. DISCIPLINARY PROCEDURES

FIRST OFFENSE:

- Principal will verify and/or confiscate
- Principal meets with parents/guardians and student
- Principal will notify the superintendent
- Refer student for assessment by the counselor, health nurse, or person trained in tobacco prevention education and Maine Tobacco HelpLine: 1-800-207-1230

Consequences:

- In school/ out of school suspension for 1-5 days
- No school related activities for up to 14 school days
- Principal will consider a hearing with the school board
- Refer to policy JICH for athletes/ co-curricular participants

SECOND OFFENSE:

- Principal will verify and/or confiscate
- Principal meets with parents/guardians and student
- Principal will notify the superintendent
- Principal will notify the police
- Refer student for assessment by the school counselor, health nurse, or person trained in tobacco prevention education and Maine Tobacco HelpLine: 1-800-207-1230
- Parents and student report the follow-up plan to the principal for monitoring to help prevent reoccurrence

Consequences:

- In school/ out of school suspension for 5-10 days
- No school related activities for 30-45 school days
- Principal will consider a hearing with the school board
- Refer to policy JICH for athletes/ co-curricular participants

NOTE: If parents do not seek assistance for the student, notify Department of Health and Human Services.

THIRD AND SUBSEQUENT OFFENSES:

- Principal will verify and/or confiscate
- Principal meets with parents/guardians and student
- Principal will notify the superintendent
- Principal will notify the police
- Refer student for assessment by the school counselor, health nurse, or person trained in tobacco prevention education and Maine Tobacco HelpLine: 1-800-207-1230

Consequences:

- Out of School suspension until school board hearing (hearing must be within 10 school days) for possible expulsion
- Refer to policy JICH for athletes/ co-curricular participants

PROCEDURES FOR SCHOOL FUNCTIONS

1. Remove student from the function and/or return to school grounds.
2. Call parent or guardian to assure responsibility
3. Call police department to transport home if parent cannot transport the child home
4. Notify the school administrator of the incident
5. Principal will refer to JICH for student athletes/ co-curricular participants

VI. OTHER PERSON(S) IN VIOLATION

All other person(s) violating this policy, e.g. employees, visitors, shall be immediately directed to cease this behavior. Smoking or the use of tobacco

products by visitors is prohibited. This includes non-school hours and all functions of the school, athletic or otherwise. This also includes other organizations using school property.

Anyone found smoking or using tobacco products would be asked by the appropriate school official or law enforcement agency to refrain from smoking or tobacco use while on district property. They will be informed of the school's tobacco-free policy. If the visitor does not comply, they will be asked to leave. If they refuse to leave, they may be referred to a law enforcement agency. Any employees violating this policy shall be subject to appropriate disciplinary measures.

EMPLOYEES:

First Offense: A written warning by the appropriate administrator. Refer to cessation program or helpline 1-800-207-1230.

Second Offense: A formal reprimand by the appropriate administrator and a letter of same to be placed in personnel file. Refer to cessation program or helpline 1-800-207-1230.

Third Offense: Meeting with the school board and possible leave without pay or dismissal. Refer to cessation program or helpline 1-800-207-1230.

VIII. COMMUNICATION

- This Board's policy and corresponding disciplinary actions for infractions of this policy shall be printed in employee and parent/student handbooks. Parent/Student handbook and employee acknowledgment notices shall be signed by parents/legal guardians and employees. Acknowledgment forms shall be returned to the school where they shall be kept on file by the school unit.
- Tobacco-free school signs will be posted in highly visible places both inside and outside of all buildings. Signs will be posted at all entrances and athletic fields.
- Age-appropriate tobacco prevention education will be incorporated into the Medway School Department's education curriculum and will include awareness of the school policy.

IX. EDUCATION

Age-appropriate tobacco/"vaping" prevention and awareness instruction will be incorporated into the school unit's health curriculum, in alignment with Maine's system of Learning Results and in support of the school unit's

wellness policy goals, to educate students about the dangers of tobacco and vapor products and to encourage a tobacco and “vape-free” lifestyle.

As feasible, information regarding treatment and cessation resources will be made available to students and school unit employees who want to quit.

Legal Reference:

Goals 2000: Educate America Act, Pub L. 103-227, Section 1043,
Title 22 MRSA, Section 1578-B
20 USC § 6081-6084 (Pro-Children Act of 1994)
Me. PL 470 (An act to reduce tobacco use by minors)

Cross References:

JK- Student Discipline
JL- Student Wellness
JKD- Suspension of Students
JICH- Drug and Alcohol use by students
KF- Community Use of School Facilities
KHB- Advertising in the Schools

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