

USE OF TOBACCO PRODUCTS AND ELECTRONIC NICOTINE DELIVERY SYSTEMS

The Cape Elizabeth School Department is a tobacco-free zone. In order to promote the health, welfare and safety of students, staff and visitors and to promote the cleanliness of all facilities, the Board prohibits smoking and all other use of tobacco products and electronic nicotine delivery systems (including but not limited to e-cigarettes and e-hookahs) in school buildings, on school property, on school buses or in any other School Department vehicle, at all times and by all persons.

Employees and all other persons are also strictly prohibited, under law and Board policy, from selling, distributing or in any way dispensing tobacco products and electronic nicotine delivery systems to students. Employees may not use tobacco products or electronic nicotine delivery systems at any time while supervising students, whether on or off school property.

Legal References: 22 MRSA § 1578(B); 1580(A)(3)
Me. PL 470 (An Act to Reduce Tobacco Use By Minors)
20 USC § 4301 et seq. (Pro-Children Act of 2001)

Cross Reference: JICH - Student Use of Alcohol, Drugs, Tobacco and Other Prohibited Substances

JICH-R – Administrative Procedure for Student Use of Alcohol, Drugs, Tobacco and Other Prohibited Substances

ADOPTED: May 13, 2003
REVISED: October 12, 2004
August 28, 2012

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Ethical and responsible student behavior is an essential part of the educational mission of our schools. To that end, the Board has developed this System-Wide Code of Conduct with input from school staff, students, parents and the community. The Code defines our expectations for student behavior and provides the framework for a safe, orderly and respectful learning environment.

Article 1 - Standards for Ethical and Responsible Behavior

We value decisions and actions guided by the principles of:

- Personal integrity
- Empathy
- Responsibility
- Respect for self and others

See Policy AD – Educational Philosophy

Article 2 - Code of Conduct

All students are expected to comply with the Code of Conduct and all related Board policies and school rules. The Code applies to students:

- on school property,
- while in attendance at school or at any school-sponsored activity, or
- at any time or place that such conduct directly and substantially interferes with the operations, discipline or general welfare of the school.

Article 3 - General Behavior Expectations

The following expectations for student behavior are fundamental to a safe, orderly and respectful environment in our schools. Each student should:

1. Be courteous to fellow students, staff and visitors.
2. Respect the rights and privileges of other students and school staff.
3. Obey all Board policies and school rules governing student conduct.
4. Engage with the education community.
5. Follow directions from school staff.
6. Cooperate with staff in maintaining school safety, order and discipline.
7. Attend school regularly.
8. Meet school standards for grooming and dress.
9. Respect the property of others, including school property and facilities.
10. Refrain from cheating or plagiarizing the work of others.
11. Refrain from vulgarity, profanity, obscenity, lewdness, and indecency.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Article 4 – Consequences

Violations of the Code of Conduct may result in positive and restorative interventions and/or other consequences. Administrators have the discretion to tailor consequences to the facts and circumstances of the particular case. Consequences for violations will range from a verbal warning for minor misconduct up to and including expulsion for the most serious offenses. Behavior that also violates the law may be referred to law enforcement authorities as described in Article 8.

See policies:

JK – Student Discipline

JKD – Suspension of Students

JKE – Expulsion of Students

KLG – Relations with Law Enforcement

Article 5 - Expectations

The following is a summary of the school unit's expectations for student behavior. In many cases, the Board has adopted policies that address these expectations in greater detail. Students, parents and others should refer to the policies and student handbooks for more information about the expectations and consequences. In case of an inconsistency between Board policies and/or school handbooks, Board policies will prevail.

A. Violence and Threats

Students shall not engage in violent or threatening behavior. Prohibited behavior includes fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property, or threats, intimidation, or harassment. Violations may result in consequences up to and including expulsion.

See Policies:

JICIA – Weapons, Violence and School Safety

JICK – Bullying and Cyberbullying in Schools

JICIB – Bomb Threats

B. Weapons

Students shall not possess or use weapons of any kind (examples include but are not limited to firearms, explosives and knives). Students also shall not use any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person (examples include but are not limited to bats, lighters, tools and toy weapons).

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Firearms violations will result in expulsion in accordance with state and federal statutes; other weapons violations may result in consequences up to and including expulsion.

See Policy JICIA – Weapons, Violence and School Safety

C. Hazing

Hazing is prohibited. Maine law defines injurious hazing as “any action or situation, including harassing behavior, that recklessly or intentionally endangers the mental or physical health of any school personnel or a student enrolled in a public school.” No student shall plan, encourage, or engage in such activities in connection with any school program or activity, including extracurricular and co-curricular activities. Students who engage in hazing activities are subject to suspension, expulsion and/or other appropriate consequences.

See Policy ACAD – Hazing

D. Discrimination and Harassment/Sexual Harassment

Students should not discriminate against other students on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin or disability. Nor should students harass one another on the basis of race, color, sex, sexual orientation, religion, ancestry, national origin or disability. Sexual harassment is also prohibited. Harassment is grounds for consequences up to and including expulsion.

See Policies:

AC – Nondiscrimination/Equal Opportunity and Affirmative Action

ACAA – Harassment and Sexual Harassment of Students

E. Bullying and Cyberbullying

Bullying includes, but is not limited to, a written, oral or electronic expression or a physical act or gesture or any combination thereof directed at a student or students that:

- (1) Has, or a reasonable person would expect it to have, the effect of: (a) Physically harming a student or damaging a student's property; or (b) Placing a student in reasonable fear of physical harm or damage to the student's property; (2) Interferes with the rights of a student by: (a) Creating an intimidating or hostile educational environment for the student; or (b) Interfering with the student's academic performance or ability to participate in or benefit from the services, activities or privileges provided by a school; or (3) Is based on specified actual or perceived characteristics or association with persons with these actual or perceived characteristics.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

Bullying and cyberbullying is grounds for disciplinary action up to and including expulsion.

*See Policies: ACAA – Harassment and Sexual Harassment of Students
JICK – Bullying and Cyberbullying in Schools*

F. Use of Alcohol, Drugs, Tobacco and Other Prohibited Substances

Students shall not consume, possess, furnish, sell, receive, buy, manufacture or be under the influence of prohibited substances as described in Board policy. Violations may result in consequences up to and including expulsion from school.

See Policy JICH – Student Use of Alcohol, Drugs, Tobacco and Other Prohibited Substances

G. Conduct on School Buses

Students must comply with all Board policies and school rules while on school buses. Students who violate these policies and rules on a school bus may have their riding privileges suspended or revoked, and may also be subject to additional consequences, up to and including expulsion, depending upon the particular violation.

See Policy JICC – Student Conduct on School Buses

H. Computer/Internet Use

Students are expected to practice good digital citizenship. Students may use school computers, networks and Internet services only for educational purposes and other purposes authorized by the school unit. Students shall comply with all policies and rules governing acceptable use. Unacceptable use may result in use restrictions, suspension or cancellation of computer privileges as well as additional consequences and/or legal action.

See Policies:

*IJNDB – Student Computer and Internet Use
JICK – Bullying and Cyberbullying in Schools*

I. Co-Curricular/Extracurricular Code of Conduct

Students must follow all Board policies and school rules while participating in co-curricular and extracurricular activities. In addition, a separate Code of Conduct governs the behavior of students participating in these activities. Students who violate the Co-Curricular and Extracurricular Activities Eligibility and Code of Conduct may be subject to suspension or removal from the team/activity as well as additional consequences under applicable Board policies and/or school rules.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

See Policy JJJ – Co-Curricular and Extra-Curricular Eligibility Requirements and Code of Conduct

Article 6 - Removal of Disruptive/Violent/Threatening Students

1. Students who are disruptive, violent, or threatening death or bodily harm to themselves or others may be removed from classrooms, school buses, or other school property when necessary to maintain order and safety. The staff member who orders the student removed should arrange to have the student escorted to the office or other designated location.
2. If a student does not comply with a staff member's order to leave, the staff member will contact an administrator, or, if not available, another suitable person, who shall respond promptly.
3. The responding administrator will take appropriate action.
4. Any use of physical restraint or seclusion of students must comply with applicable regulations and Board policy.

See 20-A MRS § 4009 – Protection from Liability
See Comprehensive Emergency Management Plan
See MDOE Rule Chapter 33 – Physical Restraint and Seclusion of Students
See Policy JKAA/JKAA-R – Physical Restraint and Seclusion of Students

Article 7 - Special Services

1. **Referral.** The school unit has adopted policies and procedures for determining when a student shall be referred for special services.

See Policies:
IHBAA – Referral/Pre-Referral of Students with Disabilities Policy
IHBAC – Child Find Policy

2. **Review of Individual Educational Plan.** The school shall schedule an IEP meeting to review the IEP of a student who has been removed from class when: a) school officials and/or the parent believes the student may present a substantial likelihood of injury to himself/herself or others; b) the class removals are sufficient to constitute a change in the student's special education program; or c) school officials or the parent believes that the student's behavior may warrant a change in educational programming.

SYSTEM-WIDE STUDENT CODE OF CONDUCT

See Policy JKF – Disciplinary Removals of Students with Disabilities

Article 8 - Assistance of Law Enforcement Authorities

The Superintendent and administrators have the authority to make reports to and/or seek the assistance of law enforcement authorities when there is a substantial threat to the safety, health or welfare of the schools, students or staff.

See Policy KLG – Relations with Law Enforcement Authorities

Article 9 - Dissemination of System-Wide Student Code of Conduct

The System-Wide Student Code of Conduct shall be distributed to staff, students and parents through handbooks and/or other means selected by the Superintendent and building administrators.

Legal Reference: 20-A MRS §§ 254 (11); 1001(15), (15-A)

Cross Reference: *Taking Responsibility: Standards for Ethical and Responsible Behavior in Maine Schools and Communities* (Report of The Commission for Ethical and Responsible Behavior, February 2001)

ADOPTED: June 10, 2008

Revised: December 11, 2012

STUDENT USE OF ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES

In order to promote the highest possible standards of learning, as well as the physical, social and emotional well-being of students, this policy is designed to aid students in abstaining from the unlawful use of alcohol, drugs, tobacco and other Prohibited Substances (as defined in Section D); provide for early intervention when use is detected or a student seeks help; and provide consequences for policy violations.

This policy is also intended to support and encourage students to meet the standards for ethical and responsible behavior identified in the Student Code of Conduct: Personal Integrity, Empathy, Responsibility and Respect for Self and Others.

Student compliance with this policy is mandatory. Any school staff member who has reason to suspect that a student has violated this policy is expected to report the incident to an appropriate administrator as soon as possible.

This policy shall be disseminated through student-parent handbooks and reviewed with students in assemblies or other appropriate forums.

A. Prevention

The School Department will provide students with information and activities focused on abstaining from the use of Prohibited Substances. Such information and activities will address the legal, social and health consequences of use of Prohibited Substances and will provide information about effective techniques for resisting peer pressure to use Prohibited Substances. The School Department will work in partnership with students, parents, social service organizations and local law enforcement to reduce risks for students where possible.

B. Intervention

The School Department provides assistance through appropriate school staff, such as social workers, substance abuse counselors and guidance counselors, to intervene and counsel students who are involved with Prohibited Substances and to assist students in continuing their education. Information will be provided, as appropriate, about outside programs and resources that are available to assist students.

C. Prohibited Conduct

Students are prohibited from consuming, possessing, furnishing, selling, receiving, buying, manufacturing or being under the influence of prohibited substances before, during and after school hours:

- At school, in any school building or on any school premises;
- In any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities;

STUDENT USE OF ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES

- Off school property at any school-sponsored or school-approved activity, event or function (such as a field trip or athletic event) where students are under the jurisdiction of the school unit; and
- At any time or place if the student's conduct directly and substantially interferes with the operation, discipline or welfare of the schools.

STUDENTS ARE ALSO PROHIBITED, AT SCHOOL OR DURING SCHOOL ACTIVITIES, FROM OFFERING OR ACCEPTING TO FURNISH, SELL, RECEIVE OR BUY PROHIBITED SUBSTANCES OFF SCHOOL PREMISES.

Students who participate in co-curricular and extra-curricular activities are subject to additional rules and sanctions (see Board Policy JJJ).

D. Prohibited Substances

The term "Prohibited Substance" shall include, but not be limited to:

1. Alcohol (ethyl alcohol, "EtOH");
2. Scheduled drugs (as defined in 17-A MRSA § 1101);
3. Controlled substances (as defined in the federal Controlled Substance Act, 21 USC § 812);
4. Tobacco products of any kind;
5. Electronic nicotine delivery systems, including but not limited to e-cigarettes and e-hookahs;
6. Prescription drugs not prescribed for the student and/or not in compliance with the Board's policy on administering medications to students (see Board Policy JLCD);
7. Any substance possessed or used for ingestion to produce an intoxicating effect (including but not limited to aerosols, paints, solvents and glue);
8. Steroids or any substance on the Maine Department of Health and Human Services' list of banned performance-enhancing substances;
9. Paraphernalia – implements used for distribution or consumption of a prohibited substance; or
10. Any look-alike drug or substance that is described as or is purported to be a prohibited substance defined in this section.

E. Consequences for Policy Violations

The consequences for violations of this policy and other information concerning implementation of this policy are contained in the accompanying administrative procedure, JICH-R.

Legal Reference: 21 USC § 812 (Controlled Substance Act); 21 CFR Part 1300.11-15
20 USC § 7101 et seq. (Safe Drug-Free Schools and Communities Act)
17-A MRSA § 1101

STUDENT USE OF ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES

42 USC § 290dd-2; 42 CFR 2.1 et seq.
20-A MRSA §§ 1001(9); 4008; 6621
22 MRSA § 1578-B
Me PL 470 (An Act to Reduce Tobacco Use by Minors)
20 USC § 6081 (Pro-Children Act of 2001)

Cross Reference: JICH-R –Administrative Procedure for Student Use of Alcohol, Drugs,
Tobacco and Other Prohibited Substances
IJNDB/IJNDB-R – Student Computer and Internet Use
JIC – Student Code of Conduct
JICA – Weapons, Violence and School Safety
JICK – Bullying and Cyberbullying in Schools
JKD – Suspension of Students
JKE – Expulsion of Students
JLCD – Administering Medications to Students
JRA – Student Education Records
JJJ – Co-Curricular and Extra-Curricular Activities Eligibility and Code of
Conduct

ADOPTED: June 13, 2006
REVISED: June 9, 2009
REVISED: November 10, 2009

**ADMINISTRATIVE PROCEDURE FOR STUDENT USE OF
ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES**

A. Voluntary Referrals to Social Worker/Guidance Counselor (“Voluntary Help”)

1. A student concerned about his or her own use of Prohibited Substances, or those of another student, may seek the assistance of a school social worker, substance abuse counselor or guidance counselor. Voluntary Help will not result in any disciplinary action. However, a student may not use Voluntary Help to avoid consequences after a known violation of Policy JICH.
2. Any staff member who has a concern or is approached by a student(s) about issues with Prohibited Substances shall refer the student(s) to a school social worker, substance abuse counselor or guidance counselor.
3. Parents/guardians who have a concern about a student’s possible issues with Prohibited Substances are encouraged to notify a school social worker, substance abuse counselor or guidance counselor of their concern. However, such referrals cannot be used to avoid consequences after a known violation of Policy JICH.
4. The school social worker, substance abuse counselor or guidance counselor will meet with the student and his/her parents/guardians (if appropriate). School staff will perform a non-clinical chemical health assessment and develop an action plan to meet the student’s particular needs, if necessary.
5. Confidentiality of student information concerning issues with Prohibited Substances will be maintained in accordance with state and federal laws.

B. Reports to Law Enforcement

In general, the Board believes that policy violations are best handled by the school in conjunction with the student and his/her family, but reports to law enforcement will be made in the following circumstances:

1. Because of the risks to student health and the safety of the schools and district, the administration will report to law enforcement any violation of Policy JICH that involves furnishing, selling, or manufacturing a Prohibited Substance ~~(aside from tobacco products or electronic nicotine delivery systems).~~
2. The administration has the authority to make a report to law enforcement for other violations of Policy JICH in either of the following circumstances:
 - a) The student has violated the policy more than once and the principal (after consultation with the applicable school social worker, substance abuse counselor, or

**ADMINISTRATIVE PROCEDURE FOR STUDENT USE OF
ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES**

guidance counselor) believes that such reporting is in the best interest of that student and the school district; or

b) There is a substantial threat to the safety, health, or welfare of the schools, students or staff.

2. ~~The administration has the authority to make a report to law enforcement for other violations of Policy JICH in cases when a student has violated the policy more than once; with the recommendation of the student's school social worker, substance abuse counselor or guidance counselor; and/or where there is a substantial threat to the safety, health and welfare of the schools, students or staff.~~

C. Consequences for Policy Violations

1. Prohibited Substances Other Than Paraphernalia, Tobacco Products and Electronic Nicotine Delivery Systems

- a. **Consuming, possessing, buying, receiving or being under the influence of a Prohibited Substance other than paraphernalia, tobacco products and electronic nicotine delivery systems.**

First Violation in a School Year

The student will be suspended from school for four days. The suspension will be reduced to two days if the student agrees to meet with a school social worker or substance abuse counselor and comply with any action plan developed by the social worker. If the student fails to comply with the action plan, the rest of the suspension must be served.

The student's parent(s)/guardian(s) are required to attend a meeting with appropriate school staff.

Second Violation in a School Year

The student will be suspended from school for eight days. The student must meet with a school social worker or substance abuse counselor and comply with any action plan developed by the social worker or substance abuse counselor. If the student fails to comply with the action plan, further consequences may be imposed.

The student's parent(s)/guardian(s) are required to attend a meeting with appropriate school staff.

**ADMINISTRATIVE PROCEDURE FOR STUDENT USE OF
ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES**

Third Violation in a School Year

The student will be suspended from school for ten days and referred to the Superintendent for consideration of possible expulsion.

- b. Furnishing, selling or manufacturing a Prohibited Substance other than paraphernalia, tobacco products and electronic nicotine delivery systems.**

First Violation

The student will be suspended from school for ten days and referred to the Superintendent for consideration of possible expulsion.

2. Paraphernalia, Tobacco and Electronic Nicotine Delivery System Violations

First Violation in a School Year

The student will be required to meet with a school social worker or substance abuse counselor and participate in an appropriate educational program.

The student's parent(s)/guardian(s) are required to attend a meeting with appropriate school staff.

Second Violation in a School Year

The student will be suspended from school for one day and the student must meet with a school social worker or substance abuse counselor.

Third Violation in a School Year

The student will be suspended from school for five days. The student must meet with a school social worker or substance abuse counselor and comply with any action plan developed by the social worker or substance abuse counselor. If the student fails to comply with the action plan, further consequences may be imposed.

**ADMINISTRATIVE PROCEDURE FOR STUDENT USE OF
ALCOHOL, DRUGS, TOBACCO AND OTHER PROHIBITED SUBSTANCES**

Cross Reference: JICH – Student Use of Alcohol, Drugs, Tobacco and Other Prohibited
Substances
JJJ – Co-Curricular and Extra-Curricular Eligibility and Code of Conduct

ADOPTED: _____

SUSPENSION OF STUDENTS

The School Board delegates to the principals the authority to suspend disobedient and disorderly students for a period not to exceed ten (10) school days. Suspensions longer than 10 days may be imposed by the Board.

Prior to the suspension, except as hereinafter provided:

- A. The student shall be given oral or written notice of the charge(s) against him/her;
- B. The student shall be given an explanation of the evidence forming the basis for the charge(s); and
- C. The student shall be given an opportunity to present his/her version of the incident.

However, students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the instructional process may be immediately removed from school. In such cases, the notice of charges, explanation of evidence and the student's opportunity to present his/her version of the incident shall be arranged as soon as practicable after removal of the student from school.

The student's parents/guardians shall be notified of any in-school or out-of-school suspension as soon as practicable by telephone (if possible) and by written notice sent by mail. A copy of the notice shall also be sent to the Superintendent.

Students are not allowed on school property or to participate in any school-related activities during any out-of-school suspension except with the prior authorization of the principal or Superintendent.

The parents/guardians and the student shall be required to attend a conference with the building administrator/designee within the suspension period and prior to re-admittance to school.

Students shall be responsible for any schoolwork missed during their suspension. After readmittance, they shall be permitted to take tests, quizzes or any other form of evaluation affecting their grades.

A student who has a single suspension of ~~two days or fewer~~ during his/her high school career may request that the suspension be made null and void, and ~~removed~~ expunged from the student's education record, under the following conditions. 1) The student must be a junior or senior. 2) The student must submit a written request signed by the student and his/her

SUSPENSION OF STUDENTS

parents/guardians to the high school principal. 3) The high school principal's ~~decision as to whether to make the suspension null and void is final~~ may grant or deny such request, and the high school principal's decision is final. 4) If the student commits another offense subject to disciplinary and/or other consequences after the request has been granted, the first suspension will still be considered in determining consequences under the applicable Board policy/procedure.

Legal Reference: 20-A MRS §§ 1001(9); (15-A)(D)

Cross Reference: JIC – Student Code of Conduct
JICIA – Weapons, Violence and School Safety
JICH – Student Use of Alcohol, Drugs, Tobacco and Other Prohibited Substances
JICK – Bullying and Cyberbullying in Schools
JK – Student Discipline
JKE – Expulsion of Students
JKF – Disciplinary Removal of Students with Disabilities

ADOPTED: May 13, 2003

REPLACES: JKD/JKE-Student Suspension and Expulsion

REVISED: November 4, 2008
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