

MESSALONSKEE SCHOOL DISTRICT (MSAD 47)

File: JFCI

STUDENT SUBSTANCE ABUSE DISCIPLINE

The Messalonskee School District recognizes that illegal drug and alcohol use and abuse are harmful to the individual and too prevalent in today's society. It is the District's philosophy to educate students about the detrimental effects of alcohol and drug use and abuse and deter the use and possession of alcohol and drugs. The purpose of this policy is to discipline students who violate Board policies and school rules concerning drugs and alcohol.

I. PROHIBITED CONDUCT, SUBSTANCES

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, 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, 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, or at any time or place if the conduct directly interferes with the operation, discipline or welfare of the schools.

The term "prohibited substance" shall include, but not be limited to:

1. Alcohol;
2. Scheduled drugs (as defined in 17-A M.R.S.A. § 1101);
3. Controlled substances (as defined in the federal Controlled Substances Act, 21 USC § 812);
4. Any performance-enhancing substance listed on the Maine Department of Health and Human Services' banned substances list and any other substance which is illegal in Maine or the use of which is illegal for minors;
5. Prescription drugs not prescribed for the student and/or not in compliance with the Board's policy on administering medications to students;
6. Any substance which can affect or change a student's mental, physical or behavior pattern, including but not limited to volatile materials such as glue, paint or aerosols (when possessed for the purpose of inhalation) or steroids;
7. Paraphernalia – implements used for distribution or consumption of a prohibited substance; or
8. Any look-alike drug or substance that is described as or is purported to be a prohibited substance defined in this section.

II. DISCIPLINARY CONSEQUENCES

Any violation of the terms of this policy shall constitute sufficient grounds for student discipline, including suspension or expulsion from school, at the appropriate discretion of the administration and the Board. Law enforcement authorities shall also be notified of violations of this policy. Because participation in extra-curricular/co-curricular activities is a privilege, students who participate in co-curricular or extracurricular activities who violate this policy are subject to additional rules and sanctions. (See Section V.)

The disciplinary procedures that follow are intended as guidelines. The administration reserves the discretion to impose consequences for any violation of this policy up to and including a recommendation for expulsion. The offenses and subsequent disciplinary procedures described in this policy shall be cumulative throughout the student's years in the Messalonskee School District.

III. CONSUMING, POSSESSING, RECEIVING OR BEING UNDER THE INFLUENCE OF PROHIBITED SUBSTANCES

Violations will result in the following consequences.

A. First offense

1. Confiscate substance.
2. Notification of the building and central office administration.
3. Notification of parents/guardians.
4. Notification of the police.
5. Loss of student "driving/parking" privileges for 30 school days.
6. Out of school suspension of the student for ten days. The student is required to meet with a guidance counselor for referral to appropriate intervention services.

B. Any Subsequent Offenses

1. Confiscate substance.
2. Notification of the building and central office administration.
3. Notification of the parents/guardians.
4. Notification of the police.
5. Loss of student "driving/parking" privileges for one calendar year.
6. Out of school suspension of the student for ten (10) days, with appearance before the Superintendent to discuss the student's educational future and possible expulsion.
7. Meet with a guidance counselor for referral to appropriate intervention services.

IV. FURNISHING, SELLING, BUYING OR MANUFACTURING A PROHIBITED SUBSTANCE

Violations will result in the following consequences.

A. First Offense or Subsequent Offense

1. Confiscate substance.
2. Notification of building and central office administration.
3. Notification of parents/guardians.
4. Notification of police.
5. Suspension of student from school pending an expulsion hearing by the School Board. An expulsion hearing is mandatory if furnishing, selling, buying, manufacturing, or transfer of the prohibited substance has occurred on school property, in school vehicles, under school supervision, or at any activity sponsored by the Messalonskee School District.

V. PARTICIPATION IN EXTRACURRICULAR AND CO-CURRICULAR ACTIVITIES

The Messalonskee School District realizes the value of extracurricular and co-curricular participation as a positive alternative to substance use. It is, therefore, the policy of the District that students participating in extracurricular activities, including all athletic teams, clubs, and school sponsored co-curricular activities, sign and abide by rules, which prohibit violations of the Board's substance abuse policy at any time or place from date of pre-season practice in August through final tournament or co-curricular event in June. If a student/parent do not sign an acknowledgement of the rules, this policy will still be enforced. In addition, students will be subject to disciplinary action if it is determined that they are present at a party or any location where drugs are being used

or underage drinking is taking place, and they do not leave when they become aware of such activities. Participation in extracurricular/co-curricular activities is considered a privilege, and students who choose to participate in such activities are held to a higher level of responsibility. Students who represent the Messalonskee School District are expected to conduct themselves at all times and in all places in a manner which reflects positively on the school and its member communities.

Upon verification of violation as a result of administrative investigation, the following consequences will occur. These consequences are in addition to consequences for the underlying policy violations.

A. First Offense of Consuming, Possessing, Receiving or Being Under the Influence

1. Notification of building and central office administration.
2. Notification of parents/guardians.
3. The student will be suspended from extracurricular/co-curricular activities for nine (9) weeks after verification of the incident. For the purposes of this policy, participation in an activity begins with the first day of participation in any meeting, practice, try-out, pre-season activity, contest or performance and continues through any concluding activity such as an awards recognition event. If a 9-week suspension is not completed by the end of a school year, the suspension carries over into the next school year. Students who are not eligible during the pre-season and/or tryout period will not be allowed to join any extracurricular or co-curricular activity during the season.
4. Students are required to meet with a substance abuse counselor at parents' expense for a risk assessment and an additional three (3) times in order to be eligible to participate in future extracurricular/co-curricular activities.
5. Parents are encouraged to attend an educational program on alcohol and drug abuse.
6. The student cannot participate in any awards ceremony during suspension; receive a certificate of participation, "letter," or any other extracurricular/co-curricular awards; and continue to hold any leadership role and/or elected office during suspension.
7. While on suspension the student will not be allowed to attend or participate in any sessions of the activity as a participating member.

B. Any Subsequent Offense of Consuming, Possessing, Receiving or Being Under the Influence

1. Notification of building and central office administration.
2. Notification of parents/guardians.
3. Students are suspended from any extracurricular or co-curricular activity for one calendar year after verification of the incident.
4. Students are required to meet with a substance abuse counselor at parents' expense. If the student is again to participate in activities, satisfactory evidence must be demonstrated to the appropriate school administrator that he/she is no longer involved in the illegal use or abuse of chemical substances.
5. Parents are encouraged to attend an educational program on alcohol and drug abuse.
6. The student cannot attend any awards ceremony during suspension; receive a certificate of participation, "letter," or any other extracurricular/co-curricular awards; and continue to hold any leadership role and/or elected office during suspension.
7. While on suspension the student will not be allowed to attend or participate in any sessions of the activity as a participating member.

VI. TRANSFER/SALE

- A. First Offense of Furnishing, Selling, Buying or Manufacturing
1. Notification of building and central office administration.
 2. Notification of parents/guardians.
 3. Notification of police.
 4. Suspension of student from any extracurricular activity for one (1) calendar year after the verification of the incident.
 5. Suspension of student from school pending an expulsion hearing by the School Board. An expulsion hearing is mandatory if the sale or transfer of the prohibited substance was on school property, in school vehicles, under school supervision, or at any activity sponsored by the Messalonskee School District.
- B. Any Subsequent Offense
1. Notification of building and central office administration.
 2. Notification of parents/guardians.
 3. Notification of police.
 4. Suspension of student from any extracurricular or co-curricular activity for the remainder of the student's educational career in the Messalonskee School District.
 5. Expulsion hearing before the School Board.

This policy shall be communicated to students through each school and/or activity handbook and appropriate postings.

Leg. References: 21 U.S.C. Section 812 (Controlled Substances Act); 21 CFR Part 1300.11-15
 20 U.S.C. Section 7101 et seq. (Safe Drug-Free Schools and Communities Act)
 (smoking statute)
 20 U.S.C. Section 608 (Pro-Children Act of 2001)
 42 U.S.C 290dd-2; 42 CFR 2.1 et seq.
 20-A MRSA Section 1001(9); 4008; 6621 et seq.
 Title 17-A MRSA, Section 1101
 (smoking statute)

Cross References: ADC – Tobacco-Free Schools
 GBCB-B: Drug Free Workplace
 JGD: Student Suspension/Expulsion
 JFC: Standards for Responsible and Ethical Student Behavior
 JLCD – Administering Medications to Students
 IGDJ – Interscholastic Athletics

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Title 17-A, §1101, Definitions

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§1101. Definitions

As used in this Title, the following words shall, unless the context clearly requires otherwise, have the following meanings.
[1975, c. 499, §1 (new).]

1. "Marijuana" includes the leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not; but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin including hashish and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

[1975, c. 740, §96 (amd).]

2. "Hypodermic apparatus," hypodermic syringe, hypodermic needle or any instrument designed or adapted for the administration of any drug by injection.

[1975, c. 499, §1 (new).]

3. "Isomer," the optical isomer, except wherever appropriate, the optical, position or geometric isomer.

[1975, c. 499, §1 (new).]

4. "Manufacture," to produce, prepare, propagate, compound, convert or process, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis.

[1975, c. 499, §1 (new).]

4-A. "Methamphetamine precursor drug" means any drug or product possessed by a person that contains in the aggregate a quantity of more than 9 grams of ephedrine, pseudoephedrine or phenylpropanolamine or their salts, isomers or salts of isomers, either alone or in combination with other ingredients, in dry or solid nonliquid form.

[2005, c. 430, §1 (new); §10 (aff).]

5. "Hashish" includes the resin extracted from any part of the cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin.

[1975, c. 499, §1 (new).]

6. "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

A. Opium and any opiate, and any salt, compound, derivative or preparation of opium or opiate; [1975, c. 499, §1 (new).]

B. Any salt, compound, isomer, ester, ether, derivative or preparation thereof which is chemically equivalent or identical to or with any of the substances referred to in paragraph A, but not including the isoquinoline alkaloids of opium; or [1975, c. 499, §1 (new).]

C. Opium poppy and poppy straw. [1975, c. 499, §1 (new).]

[1975, c. 499, §1 (new).]

7. "Opiate."

A. Any substance having an analgesic and addiction forming or addiction sustaining property or liability similar to morphine or capable of conversion into a drug having such analgesic and addiction forming or addiction sustaining property or liability.
[1975, c. 499, §1 (new).]

B. This term does not include, unless specifically designated or listed in Schedule W, X, Y or Z, the dextrorotatory isomer or 3-methoxy-n-methyl-morphinan and its salts, dextromethorphan, but does include its racemic and levorotatory forms. [1975, c. 499, §1 (new).]

[1975, c. 499, §1 (new).]

8. "Opium poppy," the plant of the species *Papaver somniferum* L., except its seeds.

[1975, c. 499, §1 (new).]

9. "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing.

[1975, c. 499, §1 (new).]

10. "Prescription drug" means a drug which:

A. Under federal law is required, prior to being dispensed or delivered, to be labeled with either of the following statements:

(1) "Caution: Federal law prohibits dispensing without prescription."; or

(2) "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian."; or

[1989, c. 384, §1 (new).]

B. Is required by an applicable federal or state law or rule to be dispensed on prescription only or is restricted to use by practitioners only. [1989, c. 384, §1 (new).]

[1989, c. 384, §1 (rpr).]

11. "Scheduled drug," any drug named or described in section 1102, schedule W, X, Y or Z.

[1975, c. 499, §1 (new).]

12. "Schedule W drug," any drug named, listed or described in section 1102, schedule W.

[1975, c. 499, §1 (new).]

13. "Schedule X drug," any drug named, listed or described in section 1102, schedule X.

[1975, c. 499, §1 (new).]

14. "Schedule Y drug," any drug named, listed or described in section 1102, schedule Y.

[1975, c. 499, §1 (new).]

15. "Schedule Z drug," any drug named, listed or described in section 1102, schedule Z.

[1975, c. 499, §1 (new).]

16. "State laboratory," a laboratory of any state agency which is capable of performing any or all of the analyses that may be required to establish that a substance is a scheduled or a counterfeit drug, including, but not limited to, the laboratory of the State Department of Health and Human Services and any such laboratory that may be established within the Department of Public Safety.

[1975, c. 499, §1 (new); 2003, c. 689, Pt. B, §6 (rev).]

17. "Traffick":

A. To make, create, manufacture; [1975, c. 499, §1 (new).]

B. To grow or cultivate, except for marijuana; [1999, c. 374, §1 (amd).]

C. To sell, barter, trade, exchange or otherwise furnish for consideration; [1999, c. 453, §1 (amd).]

D. To possess with the intent to do any act mentioned in paragraph C; or [1999, c. 453, §2 (amd).]

E. To possess 2 grams or more of heroin or 90 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin. [1999, c. 453, §3 (new).]

[1999, c. 374, §1 (amd); c. 453, §§1-3 (amd).]

18. "Furnish:"

A. To furnish, give, dispense, administer, prescribe, deliver or otherwise transfer to another; [1975, c. 499, §1 (new).]

B. To possess with the intent to do any act mentioned in paragraph A; or [1999, c. 453, §4 (amd).]

C. To possess at least one gram but less than 2 grams of heroin or at least 45 but fewer than 90 individual bags, folds, packages, envelopes or containers of any kind containing heroin. [1999, c. 453, §5 (new).]

[1999, c. 453, §§4, 5 (amd).]

19. "Imitation scheduled drug," a substance that is not a scheduled drug and which was not obtained by valid medical prescription, but which, by dosage unit appearance or by representations made, would lead a reasonable person to believe that the substance was a scheduled drug.

[1981, c. 603, §1 (new).]

20. "Dosage unit," that unit of measurement which is equivalent to an average adult dose.

[1981, c. 603, §1 (new).]

21. "Cultivate" means to sow a seed; to grow, raise or tend a plant; to harvest a plant; or to knowingly possess a plant.

[1999, c. 239, §1 (new).]

22. "Industrial hemp" means any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and that is grown under a federal permit in compliance with the conditions of that permit.

[2003, c. 61, §1 (new).]

23. "Safe zone" means an athletic field, park, playground or recreational facility that is designated as a safe zone by a municipality pursuant to Title 30-A, section 3253.

[2005, c. 415, §1 (new).]

- PL 1975, Ch. 293, §4 (AMD).
- PL 1975, Ch. 499, §1 (NEW).
- PL 1975, Ch. 740, §96,97 (AMD).
- PL 1977, Ch. 647, §1 (AMD).
- PL 1981, Ch. 603, §1 (AMD).
- PL 1983, Ch. 775, § (AMD).
- PL 1989, Ch. 384, §1 (AMD).
- PL 1997, Ch. 481, §1 (AMD).
- PL 1999, Ch. 239, §1 (AMD).
- PL 1999, Ch. 374, §1 (AMD).
- PL 1999, Ch. 453, §1-5 (AMD).
- PL 2003, Ch. 61, §1 (AMD).
- PL 2003, Ch. 689, §B6 (REV).
- PL 2005, Ch. 415, §1 (AMD).
- PL 2005, Ch. 430, §1 (AMD).
- PL 2005, Ch. 430, §10 (AFF).