

EUT POLICY ON DRUG AND TOBACCO FREE SCHOOLS

The EUT recognizes that alcoholism and drug dependency, smoking and vaping are treatable diseases. Left untreated, they may result in serious personal and family problems. At the same time, the EUT is also seriously concerned about the effects of alcohol and drug dependency upon a student's academic and social performance.

The EUT believes strongly that all students should be able to learn in an environment free from alcohol and drug abuse.

No student shall distribute, dispense, possess, use or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor. Nor shall a student unlawfully manufacture, distribute, dispense, possess, use or be under the influence of "bath salts" or other synthetic hallucinogen or of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance (as defined in schedules I through V of section 202 of the federal Controlled Substance Act [21 USC § 812]; by regulation at 21 CFR, § 1300.11 through 1300.15; and in 17-A MRSA, § 1101). This applies before, during and after school hours, at school or in any other school system location, defined as follows:

"School system location" means in any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transports 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 during any period of time when students are engaged in school business.

Any Student who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact his/her guidance counselor to seek voluntary diagnosis and treatment. All voluntary referrals shall be kept confidential.

Any illegal use, possession, furnishing, selling or provision of assistance in obtaining "bath salts," alcoholic beverages or scheduled drugs not covered by the preceding paragraph may, depending upon the circumstances, constitute sufficient grounds for discipline, up to and including expulsion. Referrals under foregoing paragraphs of this policy will not preclude disciplinary action under this paragraph, depending on the circumstances.

As provided in the Drug-Free Workplace Act of 1988, any employee is required to notify the school unit of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the Director, within 10 calendar days of learning of such a conviction, is to give written notification to the U.S. Department of Education and to any other federal agency from which the unit receives grant funds.

Implementation

The Director shall be responsible for developing and administering appropriate procedures to implement this policy.

Communication

A copy of this policy is to be posted electronically on the EUT website

Legal Reference: 20 USC § 7101 et seq. (Safe and Drug-Free Schools and Communities Act)
21 USC § 812 (Controlled Substances Act)
21 CFR § 1300.11-1300.15

Fed. P.L. 101-226
17-A MRSA § 1101
22 MRSA § 2390-2394

Adopted: February 9, 2022

PLEASE NOTE MSMA sample policies and other resource materials do not necessarily reflect official Association policy. They are not intended for verbatim replication. Sample policies should be used as a starting point for a board's policy development on specific topics. Rarely does one board's policy serve exactly to address the concerns and needs of all other school units. MSMA recommends a careful analysis of the need and purpose of any policy and a thorough consideration of the application and suitability to the individual school system.
MSMA sample policies and other resource materials may not be considered as legal advice and are not intended as a substitute for the advice of a board's own legal counsel.

MAINE SCHOOL MANAGEMENT ASSOCIATION