



**FOREST LAKE AREA SCHOOLS
FOREST LAKE, MN 55025**

March 6, 2014

AGENDA ITEM: 9.3

TOPIC: Tobacco-Free Environment – Policy 427

BACKGROUND: The purpose of this policy is to maintain a learning and working environment that is tobacco free.

PROCESS: The School Board Policy Committee has reviewed this policy and they are presenting it to the School Board with the changes noted.

RECOMMENDATION: Approval of this policy.

[Note: School districts are *not* required by statute to have a policy addressing these issues. However, Minn. Stat. § 144.416 requires that entities that control public places must make reasonable efforts to prevent smoking in public places, including the posting of signs or any other means which may be appropriate.]

I. PURPOSE

The purpose of this policy is to maintain a learning and working environment that is tobacco free.

II. GENERAL STATEMENT OF POLICY

- A. ~~It shall be a violation of this policy~~ A violation of this policy occurs when ~~for~~ any student, teacher, administrator, other school personnel of the school district, or person ~~to~~ smokes or uses tobacco, or tobacco-related devices, or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls. In addition, this prohibition includes vehicles used, in whole or in part, for work purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- B. ~~It shall be a violation~~ A violation of this policy ~~for~~ occurs when any elementary school, middle school, or secondary school student ~~to~~ possesses any type of tobacco, or tobacco-related device, or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school district owns, leases, rents, contracts for, or controls and includes vehicles used, in whole or in part, for ~~work~~ school purposes, during hours of school operation, if more than one person is present. This prohibition includes all school district property and all off-campus events sponsored by the school district.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or person who is found to have violated this policy.

III. TOBACCO AND TOBACCO-RELATED DEVICES DEFINED

- A. “Electronic cigarette” means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name of descriptor.
- A B. “Tobacco” means cigarettes and includes, but is not limited to, any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product; cigars; cheroots;

stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, ~~prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.~~

~~B C.~~ “Tobacco-related devices” means cigarette papers or pipes for smoking.

~~C D.~~ “Smoking” means inhaling or exhaling smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

IV. EXCEPTION – *varies from MSBA*

Nothing in this policy shall prohibit the lighting of tobacco by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian tribe as defined under Minnesota law.

V. ENFORCEMENT

A. All individuals on school premises shall adhere to this policy.

B. Students who violate this tobacco-free policy shall be subject to school district discipline procedures.

C. School district administrators and other school personnel who violate this tobacco-free policy shall be subject to school district discipline procedures.

D. School district action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school district policies.

E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district supervisory personnel responsible for the area or program at which the violation occurred.

F. School administrators may call the local law enforcement agency to assist with enforcement of this policy. Smoking or use of any tobacco product in a public school is a violation of the Minnesota Clean Indoor Air Act and/or the Freedom to Breathe Act of 2007 and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

G. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smoke-free environment provided by the Freedom to Breathe Act of 2007 or other law.

VI. DISSEMINATION OF POLICY

- A. This policy shall appear in the student handbook.
- B. The school district will develop a method of discussing this policy with students and employees.

Legal References: ~~Minn. Stat. § 144.413, Subds. 1b and 4 (Definitions)~~
~~Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)~~
~~Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)~~
Minn. Stat. §§144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 609.685 (Sale of Tobacco to Children)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References: Policy 515 Discipline
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior

ADOPTED: 06/06/88
REVISED: 12/04/08