

Adopted: July 9, 1987

MSBA/MASA Model Policy 419

Revised: April 11, 2012

419 TOBACCO-FREE ENVIRONMENT

Revision and Renumbering of current Policy 3.100

I. PURPOSE

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

~~Researched statistics indicate that tobacco use can have long term health consequences including many types of cancer, lung disease and heart disease. Nicotine is defined as an addictive drug present in all forms of tobacco.~~

~~Smoking can be hazardous for both smokers and non-smokers. It has been identified as our Nation's single largest preventable cause of death and disability, as well as our greatest public health problem.~~

~~The Albany School Board believes that a central role of education is to establish patterns of behavior related to good health. The board is concerned about the health of its employees and also recognizes the importance of adult role modeling for the students during formative years.~~

Therefore,

~~It is the intention of ISD No. 745 to be tobacco free.~~

To reach this goal,

- ~~1. All school vehicles will be tobacco free starting July 1, 1987.~~
- ~~2. All school buildings will be tobacco free September 1, 1987.~~
- ~~3. Effective D-Day 1987, smoking and the use of tobacco products shall be prohibited on school district property. This shall include school buildings, grounds and school owned vehicles.~~

II. GENERAL STATEMENT OF POLICY

- A. It shall be a violation of this policy for any student, teacher, administrator, other school personnel of the school district, or person to smoke or use tobacco or tobacco-related devices 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 of this policy for any elementary school, middle school, or secondary school student to possess any type of tobacco or tobacco-related device 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 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. “Tobacco” means cigarettes; 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. “Tobacco-related devices” means cigarette papers or pipes for smoking.
- C. “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

It shall not be a violation of this policy for an Indian adult to light tobacco on school district property as a part of a traditional Indian spiritual or cultural ceremony. An Indian is a person who is a member of an Indian tribe as defined under Minnesota law.

V. ENFORCEMENT

Enforcement

~~The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of smokers and non-smokers. All individuals on school premises share in the responsibility for adhering to and enforcing this policy. Any individual who observes a violation on school property may report it in accordance with the procedures listed as~~

follows.

Students

~~Violations shall be referred to building principal.~~

~~Penalty:~~

~~1st violation Student suspended from classes for two school days.~~

~~2nd violation Student suspended from classes for four school days.~~

~~3rd violation Student will be recommended for further disciplinary action for~~

Staff

~~Violation shall be referred to appropriate supervisor.~~

~~Penalty:~~

~~1st violation verbal reprimand.~~

~~2nd violation written warning, copies in file.~~

~~3rd violation subject to procedure of termination.~~

- 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.

Citizens

~~Violation may be referred to superintendent or building principal.~~

~~Penalty:~~

~~asked to refrain from use of tobacco.~~

~~asked to leave school property.~~

~~prohibited from entering school property for a specified period of time.~~

~~Violation of the Minnesota Clean Indoor Air Act, by smoking in a designated non-smoking area, is a petty misdemeanor and a court injunction can be instituted against a repeated violator.~~

- 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. §§ 144.411-144.417 (Minnesota Clean Indoor Air Act)
Minn. Stat. § 144.413, Subds. 1b and 4 (Definitions)
Minn. Stat. § 144.416 (Responsibilities of Proprietors)
Minn. Stat. § 144.4165 (Tobacco Products Prohibited in Public Schools)
Minn. Stat. § 144.417 (Commissioner of Health, Enforcement, Penalties)
Minn. Stat. § 609.685 (Sale of Tobacco to Children)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

Cross References: MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior