

1140 - Tobacco-Free School District

Information and Purpose

The School Board is committed to promoting a healthy lifestyle for its students and staff. has a responsibility to promote a safe and healthy environment for students, staff, and community members. Tobacco use is identified as a major health risk for both the users and the non-users. ~~The School Board has a responsibility to promote a safe and healthy environment for students, staff, and other citizens.~~ It is the intention of the School Board to provide school district sites that are tobacco-free and therefore, consistent with the messages ~~given in~~ of health education programs. The School Board believes this policy decision regarding tobacco will accommodate the concerns expressed by parents, students, and community officials. ~~relative to tobacco issues associated with the Duluth Public Schools.~~

For the purpose of this policy, the terms "tobacco" and "tobacco related devices" shall have the meanings given them in Section 609.685 of the Minnesota Statutes, and as state statutes, may be amended by legislative action. Tobacco related devices include electronic cigarettes, electronic cigars, electronic pipes, or any other like products. Electronic cigarettes are defined as any electronic smoking device that can be used to deliver nicotine or any other substance to the person inhaling from the device.

Duluth City Code, Chapter 11 Section 9, effective February 2, 1990, states as follows :

- (a) The smoking or use of cigarettes tobacco or tobacco related devices within the city by any person below the age of eighteen (18) years is hereby prohibited. Any person of such minor age found smoking or using cigarettes tobacco or tobacco related devices shall be guilty of a misdemeanor;
- (b) No person under eighteen (18) years of age shall possess any cigarettes tobacco or tobacco related devices on his or her person.

Policy Statement

Smoking and the use of tobacco products or tobacco related devices including electronic cigarettes shall be prohibited on school district facilities. ~~This includes School district facilities include school buildings, school grounds, school owned and leased vehicles, and sites leased by the school district.~~ No one will use tobacco products or tobacco related devices while in or on school district facilities. In addition, ~~all persons will refrain from visibly flaunting tobacco products.~~ it is prohibited to have tobacco products or tobacco related devices in public sight while in or on school district facilities.

Exception

(MN Statue 144.4169) It shall not be a violation of this policy for an American Indian adult to light tobacco in a public school as part of a traditional Indian spiritual or cultural ceremony, or to carry loose tobacco in a tobacco pouch intended for spiritual or cultural ceremonial support.

It shall not be a violation of this policy for an American Indian student to carry loose tobacco in a tobacco pouch intended for spiritual or cultural ceremonial support with the permission of the student's parent or guardian and with written or verbal notice to the site administrator or principal.

Enforcement Procedures

Students (K-12)

Students violating any part of this policy, which includes the city code cited above, will be referred to the school district site administrator or designated staff members. Students who are referred to the administration for violation will experience the following disciplinary procedures:

1. **First violation:** Mandatory police notification; student conference; parent(s) or guardian(s) notification; tobacco ticket.
2. **Second violation:** 1 day in-or out-of-school suspension.
3. **Third violation:** 1 to 3 days out-of-school suspension.

Staff

Staff members who are in violation will experience the following disciplinary procedures:

1. **First violation:** A verbal warning by the immediate supervisor.
2. **Second violation:** ~~a written warning with a copy placed in the staff member's personnel file and referral to the Employee Assistance Program. A referral to the Employee Assistance Program and a written warning placed in the staff member's personnel file.~~
3. **Third violation:** Will be cause for dismissal.

Other Citizens

Citizens in violation of this policy will experience the following:

1. A verbal request to stop ~~smoking or to stop~~ the use of ~~other~~ tobacco related products on the school district site.
2. Upon refusal to comply, a report will be made to the school district site supervisor who will issue a second verbal warning.
3. If the second warning is ignored, the site supervisor will direct the citizen to leave the site. Should non-compliance ~~result~~ continue, local law enforcement personnel will be called.

School Neighborhoods

It is not the intention of a Tobacco-Free School district Policy to move student tobacco use from the school district site to the immediate neighborhoods; however, school district jurisdiction is limited ~~only~~ to the designated school district sites. Should neighbors request assistance, ~~the~~ school staff may be dispatched by the site administrator to counsel ~~with the~~ students using tobacco in the neighborhood. ~~Also,~~ In addition, local law enforcement personnel may be called to assist.

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