

NOVA CLASSICAL ACADEMY
MANUAL OF POLICIES APPROVED BY THE BOARD OF DIRECTORS

Policy 419

**TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO,
TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES**

[Note: School districts are not required by statute to have a policy addressing these issues. However, Minnesota Statutes section 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. Additionally, Minnesota Statutes section 120B.238 requires that vaping prevention instruction be provided as set forth in this policy.]

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~~ A violation of this policy ~~for~~ occurs when any ~~student, teacher, administrator, other school personnel of the school district, or person to~~ smokes or uses tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device ~~in a public school~~ at Nova Classical. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that ~~a school district~~ Nova Classical 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~~ Nova Classical property and all off-campus events sponsored by ~~the school district~~ Nova Classical.
- B. A violation of this policy occurs when any elementary school, middle school, or secondary school student possesses any type of tobacco, tobacco-related device, or electronic delivery device in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that ~~a school district~~ Nova Classical 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~~ Nova Classical property and all off-campus events sponsored by ~~the school district~~ Nova Classical.
- C. ~~The school district~~ Nova Classical 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.
- D. ~~The school district~~ Nova Classical will not solicit or accept any contributions or gifts of money, curricula, materials, or equipment from companies that directly manufacture

and are identified with tobacco products, tobacco-related devices, or electronic delivery devices. **The school district Nova Classical** will not promote or allow promotion of tobacco products or electronic delivery devices on school property or at school-sponsored events.

III. TOBACCO AND TOBACCO-RELATED DEVICES DEFINED

- A. **“Electronic delivery device”** means any product containing or delivering nicotine, lobelia, or any other substance, **whether natural or synthetic**, intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of **aerosol or vapor** from the product. **Electronic delivery device includes but is not limited to devices manufactured, marketed, or sold as electronic cigarettes, electronic cigars, electronic pipe, vape pens, modes, tank systems, or under any other product name or descriptor.** Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device **does not include** excludes drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale **any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is marketed and sold for such an approved purpose.**
- B. **Heated tobacco product** means a tobacco product that produces aerosols containing nicotine and other chemicals which are inhaled by users through the mouth.
- C. **“Tobacco”** means cigarettes and 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. **Tobacco excludes any drugs, devices, or combination products, as those terms are defined in the Federal Food, Drug, and Cosmetic Act, that are authorized for sale by the United States Food and Drug Administration.**
- D. **“Tobacco-related devices”** means cigarette papers or pipes for smoking or other devices intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco-related devices include components of tobacco-related devices which may be marketed or sold separately.
- E. **“Smoking”** means inhaling exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated product containing, made, or derived from nicotine, tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation. Smoking includes carrying or using an activated electronic delivery device.
- F. **Vaping** means using an activated electronic delivery device or heated tobacco product.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when an American Indian adult lights tobacco on school-district Nova Classical property as a part of a traditional American Indian spiritual or cultural ceremony. An American Indian is a person who is a member of an American Indian tribe as defined under Minnesota law.
- B. A violation of this policy does not occur when an adult nonstudent possesses a tobacco or nicotine product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose. Nothing in this exception authorizes smoking or use of tobacco, tobacco-related devices, or electronic delivery devices on school property or at off-campus events sponsored by the school-district Nova Classical.

V. VAPING PREVENTION INSTRUCTION

- A. Nova Classical must provide vaping prevention instruction at least once to students in grades 6 through 8.
- B. Nova Classical may use instructional materials based upon the Minnesota Department of Health's school e-cigarette toolkit or may use other smoking prevention instructional materials with a focus on vaping and the use of electronic delivery devices and heated tobacco products. The instruction may be provided as part of the Nova Classical's locally developed health standards.

[NOTE: In addition, school districts may choose to require (a) evidence-based vaping prevention instruction to students in grades 9 through 12; and/or (b) a peer-to-peer education program to provide vaping prevention instruction.]

VI. 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 Nova Classical discipline procedures.
- C. School-district Nova Classical administrators and other school personnel who violate this tobacco-free policy shall be subject to school-district Nova Classical discipline procedures.
- D. School-district Nova Classical action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school-district Nova Classical policies.

- E. Persons who violate this tobacco-free policy may be referred to the building administration or other school district Nova Classical 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.

VII. DISSEMINATION OF POLICY

- A. This policy shall appear in the student handbook.
- B. The school district Nova Classical 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. § 609.685 (Sale of Tobacco to Children Persons Under Age 21)
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

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