

—1140 - Tobacco-Free School District

2nd Reading 4/16/2013

Information and Purpose

The School Board is committed to promoting a healthy lifestyle for its students and staff. 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 messages given in health education programs. The School Board believes this policy decision will accommodate concerns expressed by parents, students, and community officials relative to tobacco issues associated with the Duluth Public Schools.

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

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

Policy Statement

Effective September 1, 1988, Smoking and the use of tobacco products shall be prohibited on School District facilities. This includes school buildings, school grounds, owned and leased vehicles, and sites leased by the School District. No one will use tobacco products while in or on School District facilities. In addition, all persons will refrain from visibly flaunting tobacco products.

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 designated tobacco pouch designated intended for spiritual or cultural ceremonial support.

It shall not be a violation of this policy for an American Indian student to carry loose a small amount of tobacco in a designated tobacco pouch designated 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.

Persons Affected

~~No one will use tobacco products while on, or in, School District facilities. In addition, all persons will refrain from visibly flaunting tobacco products.~~

Tobacco Use Cessation Program

~~A cessation program will be provided by the School District. This cessation program shall be offered at no cost to the student or employee. Also included as part of this cessation program will be organized support groups to provide follow up programs for staff and students.~~

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:** ~~one (1) day in-school suspension; letter to parents. Mandatory notification of police; student conference; notification of parent(s) or guardian (s); tobacco ticket. Mandatory police notification; student conference; parent(s) or guardian(s) notification; tobacco ticket.~~
2. **Second violation:** ~~one (1) day dismissal followed by a parent conference and referral to the district provided cessation program. 1 day in or out of school suspension. 1 day in- or out-of-school suspension.~~
3. **Third violation:** ~~three (3) day suspension, in accordance with the Pupil Fair Dismissal Act of 1974, followed by a parent conference prior to re-admission. 1 to 3 days out-of-school suspension.~~
4. **Fourth violation:** ~~the student will be recommended for expulsion.~~

Students (Post-Secondary)

1. **First Violation:**
 - a. ~~Student will meet with the appropriate supervisor or administrator to discuss violation and seriousness of the problem. A record of this conference will be kept by the administrator.~~
 - b. ~~Student will be given a copy of the ISD 709 Tobacco Free Policy 1140.~~
 - c. ~~Student will be encouraged to participate in a tobacco information and/or cessation program.~~
2. **Second Violation:**
 - a. ~~Student will meet with the appropriate supervisor or administrator. A record of this conference will be kept by the administrator.~~
 - b. ~~Student will again be encouraged to participate in a tobacco information and/or cessation program.~~
 - c. ~~Student will be placed on probation and appropriately notified.~~
3. **Third Violation:**
 - a. ~~Student will meet with the appropriate supervisor or administrator. A record of this conference will be kept by the administrator.~~
 - b. ~~The student will be appropriately notified and suspended from classes for three (3) days.~~
4. **Fourth Violation:**
 - a. ~~Student will meet with the appropriate supervisor or administrator. A record of this conference will be kept by the administrator.~~
 - b. ~~Student will be recommended for further disciplinary action for repeated disregard of School District policy, which could include expulsion for the balance of the academic year.~~

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.
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 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, 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 students using tobacco in the neighborhood. Also, local law enforcement personnel may be called to assist.

Adopted: 8-11-87 ISD 709

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7-17-90

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4-23-13