

**SCHOOL POLICIES
INDEPENDENT SCHOOL DISTRICT 16**

POLICY	419	Page: 1 of 3
SERIES	400	Personnel
SUBJECT	419	Tobacco-Free Environment
Adopted		February 13, 2001
Revised		February 10, 2009

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 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 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

- 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

The school district will develop a method for distributing and 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. § 609.685 (Sale of Tobacco to Children)

Cross References: Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
Policy 506 (Student Discipline)
MSBA Service Manual, Chapter 6, District Education Program (A-11: Student Suspension, Exclusion and Expulsion) (A-12: Student Removal from Class and Adoption of Local Discipline Policies)
MSBA Service Manual, Chapter 7, School Facilities, (V: Tobacco Products Prohibited in Public Schools)