TRIO Wolf Creek Distance Learning Charter School #4095

419 TOBACCO-FREE ENVIRONMENT; POSSESSION AND USE OF TOBACCO, TOBACCO-RELATED DEVICES, AND ELECTRONIC DELIVERY DEVICES; VAPING AWARENESS AND PREVENTION INSTRUCTION

[Note: School districts are not required by statute to have a policy addressing these issues. However, 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, Minn. Stat. § 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 violation of this policy for any student, teacher, administrator, and other school personnel of the charter school or person to use tobacco, tobacco-related devices, or carries or uses an activated electronic delivery device in a charter school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.

B. It shall be a violation of this policy for any secondary school student to possess any type of tobacco, tobacco-related device, or electronic delivery devices in a charter school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a charter school owns, leases, rents, contracts for, or controls. This prohibition includes all charter school property and all off-campus events sponsored by the charter school.

C. The charter school will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, charter school personnel, or person who is found to have violated this policy.

III. DEFINITIONS

A. “Electronic delivery device” means any product containing or delivering nicotine, lobelia, or any other substance, whether natural or synthetic, intended for human consumption through inhalation of aerosol or vapor from the product. Electronic

delivery devices 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 excludes 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.

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, including, but not limited to; 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 aerosol or vapor 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. It shall not be a violation of this policy for an Indian adult to light tobacco on charter school 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.

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.

V. VAPING PREVENTION INSTRUCTION

A. The charter school 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.

B. The charter school 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 charter school's locally developed health standards.

VI. ENFORCEMENT

A. In order to bring about enforcement of this policy, vaping sensors have been installed in the public, multi-stall bathrooms of the charter school building. When the sensor is activated, administrative and clerical staff are immediately notified via email and text.

B. All individuals on charter school premises shall adhere to this policy.

C. Students who violate this tobacco-free policy shall be subject to charter school discipline procedures.

D. Charter school administrators and other school personnel who violate this tobacco-free policy shall be subject to charter school discipline procedures.

E. Charter school action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and charter school policies.

F. Persons who violate this tobacco-free policy may be referred to the building

administration or other charter school supervisory personnel responsible for the area or program at which the violation occurred.

G. 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 charter or public school is a violation of the Minnesota Clean Indoor Air Act and is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

H. No persons shall be discharged, refused to be hired, penalized, discriminated against, or in any manner retaliated against for exercising any right to a smokefree 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 charter school will develop a method of discussing this policy with students and employees.

***Legal References**:* Minn. Stat. § 120B.238 (Vaping Awareness and Prevention)
Minn. Stat. § 144.411-144.417 (Minnesota Clean Indoor Air Act
Minn. Stat. § 609.685 (Sale of Tobacco to Children)
2007 Minn. Laws Ch. 82 (Freedom to Breathe Act of 2007)

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