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MSBA/MASA Model Policy 419

Orig. 1995

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Rev. 2000

## **419 TOBACCO-FREE ENVIRONMENT**

### **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 Minnesota North Star Academy [hereinafter “North Star”] or persons to 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. This prohibition includes all school property and all off-campus events sponsored by the school district.
- B. It shall be a violation of this policy for any North Star student to possess any type of tobacco or tobacco-related device in 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. This prohibition includes all school property and all off-campus events sponsored by the school.
- C. North Star 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” includes carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.

### **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 discipline procedures.
- C. School administrators and other school personnel who violate this tobacco-free policy shall be subject to school discipline procedures.
- D. School action taken for violation of this policy will be consistent with requirements of applicable collective bargaining agreements, Minnesota or federal law, and school policies.
- E. Persons who violate this tobacco-free policy may be referred to the administration or other school 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 is a petty misdemeanor. A court injunction may be instituted against a repeated violator.

## **VI. DISSEMINATION OF POLICY**

- A. The school shall develop a method of discussing this policy with students and employees.

Legal References: Minn. Stat. § 144.413, Subd. 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: 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