

## **419P 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 New Discoveries Montessori Academy or person to use tobacco, tobacco-related devices or electronic cigarettes in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by New Discoveries Montessori Academy.
- 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, tobacco-related device or electronic cigarette in a public school. This prohibition extends to all facilities, whether owned, rented, or leased, and all vehicles that a school owns, leases, rents, contracts for, or controls. This prohibition includes all school property and all off-campus events sponsored by the school.
- C. New Discoveries Montessori Academy 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 or exhaling 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.
- D. “Electronic cigarette” means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other similar substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, or under another product name or descriptor.

#### **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 district 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 building 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. Reference to this policy shall appear in the student handbook.
- B. New Discoveries Montessori Academy will 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:*** NDMA Policy 430P (Employment)  
NDMA Policy 506P (Student Discipline)  
MSBA Service Manual, Chapter 2, Students; Rights, Responsibilities and Behavior