

HVSSSC

Hudson Valley Student Support Services Center

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FACT SHEET

June 2009

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TOBACCO-FREE SCHOOL SAMPLE POLICY: COMPREHENSIVE

Rationale

The [SCHOOL NAME] recognizes its responsibility to promote the health, welfare and safety of students, staff and others on school property and at school-sponsored activities. Research conclusively proves that:

- Tobacco use is the single most preventable cause of death in the United States;
- Regular use of tobacco is ultimately harmful to every user's health, directly causing cancer, respiratory and cardiovascular diseases, adverse pregnancy outcomes, and premature death;
- Second-hand smoke is a threat to the personal health of everyone, especially persons with asthma and other respiratory problems;
- Nicotine is a powerfully addictive substance;
- Tobacco use most often begins during childhood or adolescence;
- The younger a person starts using tobacco, the more likely he or she will be a heavy user as an adult;
- Many young tobacco users will die an early, preventable death because of their decision to use tobacco.
- Use of tobacco interferes with students' attendance and learning;
- Smoking is a fire safety issue for schools.

Prevention programs in schools are most effective when supplemented by strong tobacco-free policies and when they are a part of broader school, community, and state efforts to reduce youth smoking. In light of this information, and to be consistent with school curriculum and federal and state law, it is the intent of the [SCHOOL NAME] to establish a tobacco-free environment.

Definitions

- Tobacco: means any cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product; as well as spit tobacco, also known as smokeless, dip, chew, and snuff, and any other spit tobacco product in any form.
- School Property: means any building, structure or vehicle owned, leased, or contracted by the [SCHOOL NAME]
- School Grounds: means any building, structure, and surrounding outdoor grounds contained within legally defined property boundaries as registered in the County Clerk's office (according to NYS Public Health Law Article 13-E, Section 1399).

Tobacco Use Prohibited

No person is permitted to use tobacco in any way at any time, including non-school hours, on school property, grounds or at any school-sponsored event or activity off campus.

Tobacco Education

Instruction to discourage the misuse of tobacco shall be included in the health education provided for all elementary school pupils taught by the classroom teacher or by teachers certified to teach health education.

Instruction shall also be an integral part of a required health education at the junior and senior high levels and taught by teachers certified to teach health education. Related courses in secondary school curriculum shall be taught in a manner supportive of health education regarding tobacco. Staff responsible for teaching tobacco-use prevention shall have adequate training and participate in ongoing professional development activities to effectively deliver the education program as planned.

Tobacco Possession

No student is permitted to possess tobacco on school property, grounds, or at school-sponsored event or activity off campus.

Tobacco Distribution

Distribution or sale of tobacco, including any smoking device is prohibited on school property, grounds, and at any school-sponsored event or activity off campus.

Tobacco Promotion

Tobacco advertising is prohibited on school property, grounds, at any school-sponsored event or activity off campus, and in all school-sponsored publications. The school will request tobacco ad-free editions of all publications in school libraries. Students are prohibited from wearing or having in their possession tobacco promotional items, including clothing, bags, lighters, and other personal articles on school property, grounds, or at any school-sponsored event or activity off campus. School acceptance of gifts, funding, or parent/classroom educational materials from the tobacco industry is prohibited.

Tobacco Cessation

Referrals and access to community resources and

programs to help students and staff overcome tobacco addiction shall be provided to staff and students. School counselors, health services, or community agencies are encouraged to establish voluntary tobacco-use cessation programs at school.

Notice

Signs communicating this policy shall be prominently posted and properly maintained where tobacco use and smoking are regulated by this policy, including all building entrances, grounds, and vehicles. Signs shall include one of the following: "Tobacco-Free Zone," "No Tobacco Use," and/or a No Smoking/Chewing symbol, which consists of a pictorial representation of a burning cigarette and can of chew tobacco enclosed in a circle with a bar across it.

The [SCHOOL NAME] shall also notify students, parents/guardians, staff, contractors and other school visitors annually of the tobacco-free policy in written materials including, but not limited, to handbooks, manuals, contracts, newspapers, and newsletters.

Enforcement

Enforcement of this policy shall be equitable and consistent, in accordance with the Tobacco-Free School Policy Enforcement Procedures, student Code of Conduct, and employee personnel policies.

Student violations of this policy will lead to disciplinary action up to and including suspension from school. All consequences for first and subsequent violations will be noted or referenced in the Student Handbook. Student participation in a tobacco cessation program and/or tobacco education class may be allowed as an alternative to discipline. Parents will be notified of violations involving their child and subsequent action taken by the school.

Employee violations of this policy will lead to disciplinary action in accordance with personnel policies and may include verbal warning and/or written reprimand.

Violations by others will result in appropriate sanctions as determined and imposed by the Superintendent or Board.

Administrative Rules

The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the school's policy; disciplinary consequences; and procedures for filing and handling complaints about violations of the school's policy.

The superintendent shall ensure that the school's tobacco-use prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged. This policy shall be in force at all times.

Legal References

- NYS Education Law, Article 9, Section 409. School building regulations in relation to health and safety.
- NYS Education Law, Article 17, Section 804. Health education regarding alcohol, drugs, tobacco abuse

and the prevention and detection of certain cancers.

- NYS Department of Education, Commissioner's Regulations, Subchapter G, Part 135. Health, Physical Education and Recreation
- NYS Public Health Law, Article 13-E, Section 1399. Regulation of smoking in certain public areas (Clean Indoor Air Act)
- U. S. Department of Education—No Child Left Behind, Title IV C, Sections 4301 – 4304, Part A. Safe and Drug-Free Schools and Communities

ENFORCEMENT PROCEDURES GUIDELINES (SAMPLE ONE)

Student Violations

With any student, the first offense may provide a brief window of opportunity to intervene with the student before he or she becomes addicted to tobacco. Rather than immediate suspension for violations, many schools implement progressive discipline programs where consequences increase with the number of violations. With a progressive enforcement procedure violations are taken seriously; students are provided support and education to encourage cessation; and an effort is made to keep students in school and in class. Possible consequences include:

- Confiscation of tobacco materials;
- Parent/Guardian notification;
- Parent/Guardian conference with student and principal or designee;
- A Parent/Student/School contract: a behavioral contract on future behavior and consequences of a repeat violation of the policy;
- Support to student: referring student to the guidance counselor, nurse, or other health/counseling services for screening, information, counseling and referral;
- Educational Alternatives to Suspension programs: provides education on the addiction process, help the student examine his/her tobacco use, and increase the student's interest in quitting tobacco use. Participation could be used as an alternative to punitive measures;
- Cessation programs: for those students who would like to quit. Participation in a cessation program could be used as an alternative to punitive measures;
- School/Community service: this may be used as an alternative to punitive measures;
- Restriction from school activities and privileges;
- In-school suspension: this option rarely helps student addiction. Ideally this would be used after prior violations or refusal to participate in other measures. However, could include an educational component with videos and worksheets.

Staff Violations

- Provide education & support: provide information on impact of tobacco use and cessation options available to them through health plan and the community. Review the Tobacco-Free School Policy, rationale for the policy, and staff member's role.

- Disciplinary action: after the first offense, staff violations would be considered similar to a repeat violation of any other work rule or policy, and subject to disciplinary action according to current personnel policies.

Violations by Parent/Guardians and Other Visitors

- Request individual to stop and refer to the Tobacco-Free School Policy;
- If he or she refuses, request that the individual leave school property or the site of school function and refer to the school policy.
- If individual refuses to leave or is a repeat violator, refer to local law enforcement.
- For visitors who regularly use the school for activities (e.g. community groups) who violate the policy, ask them to refrain from smoking. For a second violation of the policy, revoke the group's school-use privileges.

ENFORCEMENT PROCEDURES (SAMPLE TWO)

Students

Elementary Students

1. First Incident:
 - a. Confiscate material;
 - b. Notify parent/guardian; hold conference with principal or designee;
 - c. Refer to guidance counselor or school healthcare provider.
2. Second Incident:
 - a. Confiscate material;
 - b. Notify parent/guardian; hold conference with principal or designee;
 - c. Refer to guidance counselor or school healthcare provider;
 - d. Detention which may include a tobacco-use prevention educational component
 - e. with designated personnel.

Middle and High School Students

1. First Incident:
 - a. Confiscate material;
 - b. Notify parent/guardian; hold conference with principal or designee;
 - c. Refer to the substance abuse counselor, tobacco-use prevention person, or guidance counselor for assessment; provide information and referral on cessation resources available.
2. Second Incident:
 - a. Confiscate material;
 - b. Notify parent/guardian; hold conference with principal or designee;
 - c. Write a Student/Parent/School behavioral contract which is signed by all parties;
 - d. Provide an Alternative to Suspension education program; provide information and referral on cessation resources available;
 - e. Refer to the substance abuse counselor or tobacco-use prevention person for assessment;
 - f. ___ day(s) suspension from extracurricular activities and other privileges.

3. Third and Subsequent Incidents:
 - a. Confiscate material;
 - b. Notify parent/guardian; hold conference with principal;
 - c. Provide an Alternative to Suspension education program; provide information
 - d. and referral on cessation resources available;
 - e. Refer to the substance abuse counselor or tobacco-use prevention person for
 - f. assessment;
 - g. ___ day(s) suspension from extracurricular activities and other privileges;
 - h. ___ day(s) in school suspension.

Staff

1. First Incident: a verbal warning will be given by the appropriate supervisor. Review policy, rationale for policy, and expectations of employee. Provide information and referral on cessation resources available to employee.
2. Second Incident: a formal written reprimand by the appropriate administrator and copy will be placed in the employee's personnel file. Provide information and referral on cessation resources available to employee.
3. Third Incident: a meeting will be held between the employee and the School Board who shall determine the consequences. Provide information and referral on cessation resources available to employee.

Other Persons in Violation

1. Provide person with a friendly reminder of the school's tobacco-free policy (e.g., using HVSSSC Policy Palm Card) and request them to discontinue activity;
2. If he or she refuses, request that the person leave school property or site of school function and refer to school policy;
3. If person refuses to leave or is a repeat violator, refer to local authorities. Any person suspected of selling, distributing or in any way dispensing tobacco products to students shall be referred to a law enforcement agency.