

School Tobacco Policies: Applicable Laws, Sample Policies, and Penalty Options



Funded by the Massachusetts Department of Public Health

*This information is provided for educational purposes only and is
not to be construed as legal advice*

For more information about school tobacco policies, please call
1-800-992-1895 or 617-624-5900

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Make Smoking History.

Introduction

MTCP envisions an environment where all people in Massachusetts can live tobacco-free. Smoking prevention among children must be a principal goal in seeking to achieve a smoke-free environment. Preventing young people from starting to smoke and protecting children and adults from secondhand smoke are two main goals of our mission.

One aspect of the multifaceted approach to smoking prevention is the support and enforcement of laws and policies that prohibit smoking in schools. This report lists the applicable laws, sample policies and penalty options that schools can utilize to create a smoke free environment. This information is provided for educational purposes only and is not to be construed as legal advice. Training and technical assistance is available from MTCP staff and statewide programs. For assistance, contact MTCP at 1-800-992-1895 or 617-624-5900

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WHAT LAWS APPLY TO MY SCHOOL REGARDING TOBACCO POLICIES?

There are several laws that apply to schools regarding tobacco policies. Schools must conform to all applicable laws when developing and implementing their own policies.

Federal Laws

The United States government in 1994 passed a law called the *Pro Children Act of 1994*¹. This federal mandate states “*No person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.*” Thus, no building used as a school may permit smoking within its indoor facilities.

The primary enforcers of this law are the U.S. Department of Health and Human Services (HHS), the U.S. Department of Education, and the U.S. Department of Agriculture.

The law provides for civil monetary penalties for violations of this law. “*The civil monetary penalties may not exceed \$1000 for each day of violations, or exceed the amount of applicable Federal funds the recipient receives for the fiscal year.*”

State Laws of the Commonwealth of Massachusetts

1. *The Smoke-Free Workplace Law*

The Commonwealth of Massachusetts requires that all enclosed workplaces remain smoke-free. The Smoke Free Workplace Law² specifically refers to schools, stating that “*smoking shall be prohibited in workplaces, work spaces, common work areas, classrooms, conference and meeting rooms, offices, elevators, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms, restaurants... or in a school...or in any public transportation conveyance.*”

This means that smoking is prohibited in all school buildings including classrooms and restrooms, since schools are workplaces. The law applies to all persons: students, teachers, personnel and visitors. Furthermore, the law also prohibits smoking in “public transportation conveyances” including all school buses and transportation vehicles.

The Smoke Free Workplace Law provides for fines for violating the law: “*An individual or person who violates this section by smoking in a*

¹ United States Code, chapter 20, section 68.

² Massachusetts General Laws, chapter 270, section 22.

place where smoking is prohibited shall be subject to a civil penalty of \$100 for each violation.”

Local boards of health and their agents enforce this law and can write civil tickets to violators. Many Boards of Health have designated school administrators and/or nurses as agents of the Board of Health for purposes of enforcing the law in schools. Check with your local Board of Health to find out who enforces the Smoke Free Workplace Law in your city or town.

Tickets for violating the Smoke Free Workplace Law are civil fines. Similar to parking tickets, they are not criminal offenses. These civil tickets are paid to the town or city clerk. However, school administrators should be aware that failure to pay a civil ticket has the potential to result in a criminal case. An application for a criminal complaint may be filed in district court against a student staff member, or visitor that fails to show up for a civil court date for non-payment. If the complaint is issued, the case becomes criminal in nature.

2. *The Education Reform Act*

In addition to the Smoke Free Workplace Law, Massachusetts requires that all students refrain from smoking on school property. The Education Reform Act³ states *“it shall be unlawful for any student, enrolled in either primary or secondary public schools in the commonwealth, to use tobacco products of any type on school grounds during normal school hours.”*

The Education Reform Act⁴ requires that prohibited tobacco behaviors be outlined in school handbooks. *“The superintendent of every school district shall publish the district’s policies pertaining to the conduct of teachers and students. Said policies shall prohibit the use of any tobacco products within the school buildings, the school facilities or on the school grounds or on school buses by any individual, including school personnel.”*

This law does not stipulate any required penalties, so school policy makers are free to enforce individual school district penalties as long as they are consistent with the Smoke Free Workplace Law (mentioned above), the school’s disciplinary guidelines, and outlined in advance in school handbooks.

³ Massachusetts General Laws, Chapter 71, section 2A.

⁴ Massachusetts General Laws, Chapter 71, section 37H.

3. *Motor Vehicles and Aircraft Laws*

Massachusetts's Motor Vehicles and Aircraft Law⁵ provides that “*No person shall operate any school bus, and the owner or custodian of a school bus shall not permit the same to be operated upon or to remain upon any way, unless the following requirements are complied with: –*

(10) No person shall smoke or consume alcoholic beverages on a school bus while such bus is being used to transport school pupils”

Similar to the Education Reform Act, this law does not stipulate any required penalties. However, since school buses are covered under the Smoke Free Workplace Law penalties regarding buses must be consistent with those requirements. Penalties should be consistent with disciplinary guidelines and outlined in advance in school handbooks.

Local Laws- City Ordinances, Town By-Laws, and Board of Health Regulations

Massachusetts is comprised of 351 cities and towns. Each city has local ordinances and each town has local by-laws. Local governments also have Boards of Health, which are authorized to create regulations regarding the public health and safety of their constituency. Check local ordinances, by-laws, and local health regulations before creating a comprehensive school tobacco policy. Often local lawmakers have addressed tobacco related subjects, and all school policies must be consistent with local laws of the town or city in which they are situated.

Federal, State, and Private Grants - Stipulations

Check to see if your school receives grant money. Sometimes health related grants have stipulations to exchange grant funding for compliance with certain conditions. School nurses may also receive grants that have health conditions attached. Make sure to check all grants so that their rules are consistent with a proposed tobacco policy.

MIAA Policies

If your school is a member of the Massachusetts Interscholastic Athletic Association (MIAA), there are mandatory eligibility requirements pertaining to tobacco use by both athletes and coaches. The MIAA rule is a minimum standard. Schools may develop more stringent standards and eligibility requirements.

⁵ Massachusetts General Laws, Chapter 90, section 7B.

“RULE 62: Student and Coach Eligibility: Chemical Health/Alcohol/Drugs/Tobacco

62.1 *From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is latest),, a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; **any tobacco product**; marijuana; steroids; or any controlled substance.*

62.2 Coaches - *During practice or competition, a coach shall not use any tobacco product.”*

MIAA also has minimum penalties for violations of the policy, for both first offenses, and subsequent offenses. For the complete text of their policies see <http://www.miaa.net>

WHAT IS A SCHOOL TOBACCO POLICY?

A school tobacco policy is a comprehensive strategy and list of guidelines to help a school prevent tobacco use among their students and personnel. Typically, a tobacco policy is comprised of Education, Disclosure, Enforcement, and Penalties.

Education

Massachusetts requires that health education be a part of every school’s curriculum. Included in health education courses should be topics detailing the dangers of tobacco. A comprehensive educational program, spanning several years, is proven to help teach students about tobacco use and the harms associated with it. The U.S. Centers for Disease Control, the U.S. Department of Health and Human Services, and both the Massachusetts Department of Education and the Massachusetts Department of Public Health all support a prominent educational foundation to help keep students from using tobacco products.

Disclosure

It is required by the Education Reform Act that all tobacco related policies be disclosed and published in school handbooks. Students, parents, and concerned citizens should have access to all tobacco related policies that are promulgated in every school. Students should have an opportunity to read and familiarize themselves with the school policy, and teachers and administration should encourage publicizing tobacco related policies.

Enforcement

Enforcement of school policies can come from various outlets. Enforcing tobacco related education and disclosure usually occurs via administration

and school committees that stipulate curricula for schools. As for administration of penalties, schools may rely on enforcement help from local police and school security, if available, local Board of Health agents, administrators, teachers, school nurses, and other educational personnel.

It is a good idea to outline who the proper enforcement agents are for each part of the tobacco related policy. For instance, a Board of Health agent may enforce a fine for smoking indoors, and a principal may enforce a Saturday school session for smoking in a school parking lot.

It is important to inform staff whether they are responsible for enforcement or not. Teachers, administrators, school nurses, and security should have a detailed explanation of the responsibilities and expectations that are presumed of them regarding tobacco policy enforcement. A comprehensive network where everybody knows his or her responsibility helps to maintain a system that students respect and understand.

Penalties

When a student or other person uses tobacco products in a way that violates the school's policy, certain penalties should apply. Which penalties to enforce is a policy choice for each school as long as the penalty conforms to all applicable laws. The best advice for choosing penalties is to know your school, your resources, and your students, and plan accordingly.

For instance, if your school has a very involved parent/guardian network, then parental notification may be an effective option. Or, if your resources are limited, prevention education programs may be too costly and in-school penalties may be more effective. Evaluating the pros and cons for each penalty option is a very important aspect of compiling an effective tobacco policy.

WHAT SHOULD BE COVERED IN MY POLICY?

There are several types of tobacco related offenses that should be included in a school tobacco policy. It is also important to enumerate in what areas your policy extends. Often there are different penalty options for tobacco use in different areas of school property. Below are some suggestions of what might be contained in a policy, and whether certain areas of school property are covered under the previously described state and federal laws.

What Places Should be Covered?

1. School Buildings

Description

All school buildings and indoor hallways connecting buildings

Implications of the Smoke Free Workplace Law

In school buildings, the Massachusetts Smoke Free Workplace law applies to smoking (not to other types of tobacco such as chew, spit or snuff). Minimum monetary penalties are mandated by the law. The fine for smoking in violation of this law is \$100.00.

Implications of the Education Reform Act

School buildings are covered under the Education Reform Act and smoking inside is illegal. "The Educational Reform Act requires the policies of the school district to include disciplinary procedures and measures. If fines are imposed, they should be consistent with the Smoke Free Workplace Law"

2. Outside School Buildings

Description

Outdoor hallways connecting school buildings, courtyards, quadrangles, etc.

Implications of the Smoke Free Workplace Law

Outside areas are not subject to the Smoke Free Workplace Law except where outside smoke wafts back into a protected area. Schools and school districts may develop their own policies and penalties.

Implications of the Education Reform Act

If the outside area is on public school grounds, smoking on those outside areas is illegal under the Education Reform Act. The Education Reform Act does not apply to private schools. Schools and districts may develop their own policies for discipline and penalties.

3. On School Grounds

Description

Parking lots, athletic fields, other school facilities, adjacent roads/sidewalks to the school

Implications of the Smoke Free Workplace Law

Outside areas are not subject to the Smoke Free Workplace Law. School districts can have their own policies and penalties.

Implications of the Education Reform Act

Smoking on public school grounds is illegal under the Education Reform Act. Schools and districts may develop their own policies for discipline and penalties.

4. At School Related or School Sponsored Events

Description

Sporting events, field trips, dances, meetings and other events not on school property

Implications of the Smoke Free Workplace Law

If the event is inside (a gymnasium, indoor facility, etc.) then the Smoke Free Workplace Law covers it and minimum penalties are mandated by the state. Outside areas (fields, outdoor stadiums, etc) are not subject to the Smoke Free Workplace Law and school districts can have their own policies and penalties.

Implications of the Education Reform Act

If the location is affiliated with the public school, the Education Reform Act will apply to any event considered on school grounds.

5. On School Buses or Other School Vehicles

Description

On school buses, charter buses, vans, and other vehicles used for school purposes

Implications of the Smoke Free Workplace Law

School buses and municipal vehicles are covered under the Smoke Free Workplace Law and smoking is illegal and monetary penalties apply. The fine for smoking is \$100.00. Chartered buses fall under “public transportation conveyances” and must be smoke-free.

Implications of the Motor Vehicles and Aircraft Laws

School buses are subject to Motor Vehicles and Aircraft laws. Other school vehicles are not subject to Chapter 90, section 7B, but most likely are subject to the smoke-free mandate in the Smoke -Free Workplace Law.

What types of tobacco should be included?

1. Smoking

Tobacco policies should cover all types of smoking tobacco, including but not limited to: cigarettes, cigars, little cigars or cigarillos, pipes, clove cigarettes and any other burning of a tobacco product resulting in smoking.

2. Smokeless

Tobacco policies should also cover smokeless tobacco products, which are becoming increasingly popular. Some examples are: dip, snuff, chew, tobacco chew and spit packs, as well as any other type of tobacco product that is ingested but not burned.

3. Other tobacco

Other tobacco products may be covered by school policies as well including: blunt wraps and loose tobacco. Blunt wraps and similar tobacco products may also be considered drug paraphernalia. Make sure to examine the specific details of a particular offense when deciding on the extent of disciplinary action.

4. Tobacco paraphernalia

Tobacco paraphernalia may be covered by school policies as well including: packs of cigarettes, pipes, rolling papers, lighters, and matches. Lighters and matches may also be considered dangerous for fire safety purposes. Rolling papers, pipes and other products may also be considered drug paraphernalia. Make sure to examine the specific details of a particular offense when deciding on the extent of disciplinary action.

5. Smoke Free Workplace Law language

A school policy may decide to use the state law's definition for "smoke" or "smoking". The state law reads "the lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled." This definition expands smoking to be any product that was manufactured with the intent of being burned and inhaled, including clove or herb cigarettes.

What other issues should be addressed in my tobacco policy?

1. Some school districts may want to add "possession of tobacco products" to the list of prohibited activities in their policy. This would allow school personnel to confiscate tobacco products from students. This policy should be limited to students because its goal is to confiscate the product from the student.
2. The use of athletic fields and sporting arenas with tobacco advertisements for school events.
3. Smoking by association policies ("guilty" of smoking if a student is found in the presence of cigarette smoke) are controversial, but many schools use them.

4. Communicate that the policy is in effect “24/7”, so students and the general public do not assume they can use tobacco on school grounds during after-school activities.
5. Education and instruction can help to inform students of the harms of tobacco besides school penalties. Ideally, a school’s tobacco policy will be coupled with thorough health and tobacco education and instruction. However, different resources and specific needs make every school’s method for tobacco education unique.
6. Make sure teachers and staff are aware of the tobacco policy and encourage them to set a good example for the students.
7. Ensure that administrators and other staff communicate about tobacco discipline- let athletic coaches, club sponsors and other staff know of a student’s violation if it is consistent with your school policy. But make sure not to unnecessarily broadcast an offense to unfairly disparage a student.

WHAT KINDS OF PENALTY OPTIONS ARE AVAILABLE?

1. Cessation Program

Description

These programs are designed to educate and provide resources and support for tobacco users to quit smoking. These programs are usually designed and given by a school nurse, health teacher, or other school personnel trained in tobacco cessation techniques.

Some programs already in place in Massachusetts are: Tobacco Awareness Program (TAP), School Nursing Pilot programs, and group tobacco counseling.

Sample Policies *

Somerset High School:

As punishment for a student found using tobacco products for a second offense, a student “will be required to attend an involuntary ‘Smoking Cessation’ program. This will consist of two classes per week for 4 weeks or a total of 8 sessions. A scheduled date will be arranged and a contract of commitment to this program will be signed by the parent or guardian within one (1) week of the offense.”

Weymouth High School:

For first offenses of tobacco use a “smoking cessation program will be offered.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. Provides discipline (the student must give up free time to attend the program). 2. Provides rehabilitation (goal is to help student quit). 3. Provides education (teaches the student about tobacco use so they are informed about the dangers). 4. Individual attention to a student’s health by a medical or school official can be very persuasive. 5. Positive relationships with school nurses may help students quit. 	<ol style="list-style-type: none"> 1. May be expensive to pay school nurse or other personnel to teach the class. 2. May be expensive to train nurse or personnel to effectively teach the classes. 3. Not all schools have the resources to provide cessation programs. 4. Student may not know what a cessation program is, so it may have no deterrent function. 5. Mandating cessation if a student is not ready to try to quit may not be effective.

Resources

TAP: Tobacco Awareness Program is an eight-week tobacco cessation program for youths in grades 7-12 addressing the use of both smokeless and smoking tobacco. It focuses on techniques to assist with quitting smoking for good through the use of mental and physical skills.

CDC Youth Tobacco Cessation: A guide for Making Informed Decisions. For complete description of the program see: http://www.cdc.gov/tobacco/educational_materials/cessation/youth_cess/pdf/Youth_Tobacco_Cessation.pdf.

2. Prevention Education

Description

Prevention Education programs are designed to teach students about tobacco use, general dangers regarding tobacco products, prevention techniques, and the consequences regarding smoking in schools. Programs may be required or optional. Many schools choose to stipulate either/or options for education or other disciplinary procedure.

Sample Policy *

Braintree High School

“An educational component is available to all students who are interested in learning about the dangers of smoking or needing assistance in stopping the use of tobacco products.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none">1. Education lets students make their own informed decisions on further tobacco use.2. Education programs take up a student’s free time, and thus have a penalty associated with them.3. Provides a good mix of discipline, education, and rehabilitation in helping students to stop smoking in schools.	<ol style="list-style-type: none">1. May be expensive to pay school nurse or other personnel to teach the class.2. May be expensive to train nurse or personnel to effectively teach the classes.3. Not all schools have the resources to provide preventative education programs.4. Students may not care about learning materials that are not directly involved in their schedule.

Resources

DASH: Division of Adolescent and School Health seeks to prevent the most serious health risk behaviors among children, adolescents and young adults. For a complete description of the program see: <http://www.cdc.gov/HealthyYouth/about/index.htm>.

TEG: Tobacco Education Group is an eight-week educational group that is used as an alternative to suspension for youth who are caught using tobacco on school property or at school sponsored activities. This program provides basic information on effects of tobacco use and motivates participants to join an ongoing tobacco cessation group such as the Tobacco Awareness Program.

3. Parent/Guardian Notification

Description

Notifying parents/guardians of students' tobacco use. This can come in many forms:

- A. Letter sent home to parents/guardians
- B. Phone call to parents/guardians
- C. Meeting with parents/guardians and administrator
- D. Meeting with parents/guardians, student and administrator

Sample Policies *

Natick High School:

A second offense of smoking at school will involve “notification of parents, meeting between parents, student and administration.”

Pioneer Valley Regional High School:

For a first offense, “Notification of parent/legal guardian by letter and phone.”

Brookline High School:

For a first offense of tobacco use “A phone call is made and a letter is sent home notifying parent/guardian of this violation of school rules.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. Notification of parents/guardians provides discipline from a family/home environment. 2. Parents/guardians can help facilitate informing their children of the dangers of both tobacco and breaking school rules. 3. Parents/guardians may be able to help students understand discipline, rehabilitation and education from a non-school related person. 4. Familial respect and communication may help students understand their actions more thoroughly. 5. Students are familiar with this regulation, as many offenses in school involve parental/guardian notification. 6. Low cost option. 	<ol style="list-style-type: none"> 1. Parents/guardians may not consider their child smoking a serious concern. 2. Parents/guardians may not provide any further discipline than acknowledgement of student's transgression. 3. Parental/guardian involvement may be minimal in certain schools, thus mandating a school meeting may be very difficult.

4. **Community Service**

Description

Requiring a student to perform service activities for their community is an option. Some tobacco related examples are picking up cigarette butts from a public park, visiting hospital patients with smoking related diseases, or creating a public service project detailing the harms of tobacco.

Sample Policies *

Pioneer Valley Regional High School:

For a second offense a student will create “a student-managed tobacco education/service project based on the PVRIS (Pioneer Valley Regional School) Independent Study Proposal (such as interviews of adults with emphysema) with proof of completion required.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none">1. Provides discipline in requiring student to give up free time for service project.2. Some projects may have extensive educational value.3. Helps the community at large with public service.4. May help students change their views on tobacco use.	<ol style="list-style-type: none">1. May not give enough discipline because of its nature as an independent endeavor.2. May not have long term benefits- student may not feel the need to stop smoking based solely on community service.3. Enforcement issues- how to make sure that community service is actually completed.4. Effective programs require extensive resources and personnel.

5. In School Penalties

Description

Imposing restrictions and other penalties regarding in-school activities. Examples are restriction of extra curricular activities, demotion of class officer or club leader status, restriction of privileges such as off-campus lunch, parking permits, dances, and many others.

Athletic consequences may be imposed as well: automatic penalties incur if your school is a member of the MIAA, the Independent School League (ISL), or other league with specific eligibility requirements.

See the MIAA website for their Chemical Health Policy, which includes suspension from sports teams for tobacco offenses. See also the website for ISL or other leagues for their tobacco health policies.

Sample Policies *

Natick High School:

A first offense for a student found using tobacco includes “Notification to sports and activity directors.”

Brookline High School:

After a second offense of tobacco use, “the student is placed on closed campus for four weeks.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. In school penalties have immediate consequences for students. 2. Students are stripped of some of their non-academic activities, which many are very attached to. 3. Large deterrent function, students don't want to give up "fun" activities or privileges. 4. Athletes do not want to let their team down- large deterrent function. 5. Works to punish students by taking something away that they enjoy while not punishing too severely. 6. Low cost option. 	<ol style="list-style-type: none"> 1. May be ineffective for certain students that are indifferent to school activities. 2. May not be much of a penalty and can be perceived by students as a slap on the wrist. 3. May not be a good idea to further alienate students that may be at high risk for other negative behaviors by stripping these students of the very few non-academic activities in which they may be involved.

6. Detention / Saturday School

Description

Requiring student to spend supervised time either in after-school detention or Saturday detention.

Sample Policies *

Somerset High School:

Punishment for a student found using tobacco products for a first offense is "one Saturday School".

Lexington High School:

Discipline for smoking anywhere on campus may include "after-school detention."

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. Provides discipline for the student because they must give up free time. 2. Students are aware of detention and Saturday school, and understand what it entails, resulting in a deterrent effect. 	<ol style="list-style-type: none"> 1. Does not encourage quitting, rehabilitation or education about tobacco use. 2. Punishment without education may not do as much for changing student behavior. 3. Staff time for supervision may be costly.

7. Fines

Description

The penalty for smoking in violation of the statewide Smoke Free Workplace law is a \$100 civil fine⁶. The fine is payable to the city or town clerk, similar to a parking ticket. The enforcing authority for this law is the local board of health or its agent. School personnel may be designated as agents of the board of health for the purposes of enforcing this law specifically in school buildings and school buses only. Schools that issue tickets must work with their local Board of Health to determine a procedure for issuing tickets.

The Smoke Free Workplace law prohibits smoking in *enclosed* workplaces. Either an internal school policy enforceable by the school district or a local law enforceable by the local board of health would be necessary in order to fine for smoking on school grounds.

Sample Policies *

Weymouth High School:

A first offense of using tobacco will result in a “\$100.00 fine”.

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. “Tickets” have a strong connotation of being against the law, so monetary penalties may serve a large deterrent function. 2. Money collected by the town could be used for tobacco control 	<ol style="list-style-type: none"> 1. Students may not be able to afford penalties and not have any legitimate way to pay the fine. 2. Staff may enforce penalties because they are seen as too severe.

⁶ Prior to enactment of the Smoke Free Workplace law (July 2004), some local boards of health promulgated local regulations that prohibited smoking in schools. These regulations frequently imposed fines as penalties. If your municipality has such a regulation and the fines listed are less than \$100 they may need to be raised because the state law now requires that the fine be \$100 for smoking in a school building.

<p>programs if town meeting or city council so provides.</p> <p>3. Money that students could have used for cigarettes now has to be paid to the municipality.</p> <p>4. Students abhor having to give up their own money.</p>	<p>3. Students may not pay penalties; further enforcement involves a clerk magistrate and possible criminal record- which may not be what the school really wants to accomplish.</p> <p>4. Parent may pay fines and students experience no discipline.</p> <p>5. It may involve extensive administrative resources to administer fines.</p>
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8. Suspension

Description

Suspension is a mandatory removal of student from classes. Suspension can be either in school or out-of-school, and schools differ on their policies regarding make-up work and forced incompletes.

Sample Policies *

Braintree High School:

For a first offense of a student using tobacco, there is a “3 day Out of School Suspension.”

Lexington High School:

“Student will be suspended and may be referred to an expulsion hearing for the following behaviors- 6. Smoking in school buildings or on school grounds.” Types of suspension are: “temporary or permanent removal from classes; in-school suspension; suspension from school.”

Pros and Cons

Pros	Cons
<ol style="list-style-type: none"> 1. Students are aware of this disciplinary measure and it has large deterrent functions. 2. Students are penalized for time out of school. 3. Students associate this consequence with severe transgressions. 4. Suspension is part of academic records and is disclosed on college applications and other educational resources. 	<ol style="list-style-type: none"> 1. May be too severe a punishment for students to be suspended. 2. Administration may be reluctant to enforce suspensions because of future consequences on the student. 3. Parents and students may contest automatic suspensions for tobacco use creating administrative hearings and extra paperwork for school officials. 4. Out-of-school suspensions may actually provide more opportunity for the student to smoke.

9. Expulsion

Description

After an appropriate administrative hearing, the student is permanently removed from the school.

Sample Policies *

Lexington High School:

“Student will be suspended and *may be referred to an expulsion hearing* for the following behaviors- 6. Smoking in school buildings or on school grounds.”

Pros and Cons

Pros	Cons
1. Removing student smoker from the school ends that smoking problem permanently.	1. Very severe punishment. 2. Expulsion of a student because of their smoking may end that students' formal education forever.

* Sample policies where current as of August 2007

APPENDIX: Sample School Tobacco Policy

Italicized parts are optional and may not apply to every school.

The word town is used in the model – if you reside in a city, be sure to change the text accordingly. The local Board of Health has the legal authority to enact regulations prohibiting smoking. In addition, in order for school personnel to enforce the Smoke Free Workplace Law, the local Board of Health should authorize school personnel to act as “agents” of the Board of Health for this regulation. It is recommended that you contact your local Board of Health regarding your school tobacco policy in so far as it references the Smoke Free Workplace Law.

SECTION I. STATEMENT OF PURPOSE AND AUTHORITY

Conclusive evidence exists that tobacco use is a pervasive health problem in the United States, affecting numerous cities and towns including [insert town name]. Smoking inside enclosed buildings used as schools and inside school buses or other vehicles used to transport pupils is prohibited by the Massachusetts Smoke Free Workplace Law. Mass. Gen. Laws ch. 270 §22.

Furthermore, smoking on outside school grounds or at school sponsored events is prohibited by the Massachusetts Educational Reform Act. Mass. Gen. Laws ch. 71 §§ 2A, 37H. [Insert school name] has developed a comprehensive policy to prohibit the use of any tobacco related product.

SECTION II. DEFINITIONS:

<u>Administrator</u>	Person(s) including but not limited to principals, vice-principals, office personnel, and others who have disciplinary and managerial authority to enforce school policies and penalties.
<u>Faculty</u>	Person(s) employed by [insert school name] as a full-time, part-time, contract, or volunteer labor.
<u>Parent/Guardian</u>	Person(s) that have legal guardian status and responsibility over a student enrolled in [insert school name] for educational purposes
<u>School building</u>	Any building or enclosed walkway that is used or leased for educational purposes

<u>School grounds</u>	All school buildings, parking lots, athletic fields, loading docks, and /or other school outdoor facilities, and other premises owned or leased by the school for educational purposes
<u>Student</u>	Person(s) legally enrolled in [insert school name] for educational purposes.
<u>Smoking or smoke</u>	The lighting of a cigar, cigarette, pipe or other tobacco product or possessing a lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted and inhaled.
<u>Tobacco advertisement</u>	Any poster, billboard, flyer, sticker, piece of clothing, hat, accessory, commercial, or other material featuring a tobacco product.
<u>Tobacco paraphernalia</u>	Any device used to aid, ingest, light, burn, or consume tobacco products, including but not limited to: pipes, rolling papers, lighters, and matches.
<u>Tobacco product</u>	Any form of tobacco including but not limited to: cigarettes, cigars, little cigars or cigarillos, clove cigarettes, loose tobacco leaves, blunt wraps, chew, dip, snuff, and any other product not mentioned that contains tobacco of any kind.
<u>Visitors</u>	Person(s) physically present on school property who are not administrators, students, faculty or staff as defined above.

SECTION III. TEXT OF THE POLICY

No person(s) shall smoke in any school building at any time.

No student shall smoke or ingest any tobacco product in any school building or on school grounds at any time.

No visitor, faculty, or administrator shall smoke or ingest any tobacco product on school grounds at any time.

The penalties for violations of the above policy are outlined in Section IV.

SECTION IV. PENALTIES

Choose 1-3 penalty options from the 9 types listed in the handbook. Choice of penalties should consider school resources, likely student response, past successes and disappointments, and any other applicable factors. Every school is different and tobacco policy penalties should be tailored to your school. The example below is not a specific model for any school, it is just an example.

Students found violating the tobacco policy

1st Offense:

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- One (1) Saturday school detention
- Letter and Phone call to parent/ guardian and scheduled conference between student, administrator and parent/ guardian.
- Mandatory attendance to one (1) Prevention Education class.

2nd Offense

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- Mandatory attendance to three (3) Cessation Program classes.
- Revocation of elected status in clubs, teams, committees. Revocation of field trip and/or dance privileges for one (1) month.
- Two (2) Saturday school detentions.
- Letter and Phone call to parent/ guardian and scheduled conference between student, administrator and parent/ guardian.

3rd Offense

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- Mandatory attendance to six (6) Cessation Program classes.
- Four (4) Saturday school detentions OR a three (3) day Suspension.
- Mandatory completion of a community service project regarding tobacco use.
- Conference between student, administrator and parent/ guardian to discuss suspension and serious consequences for subsequent offenses.

Athletic consequences

- If your school is a member of MIAA, there are minimum prescribed guidelines for students and coaches found using tobacco (called the MIAA Chemical Health Policy.) Make sure to publish the minimum guidelines OR a modified version of the MIAA Chemical Health Policy.

- Tobacco health policies of the Independent School League and/or other athletic leagues should be reviewed if applicable to your school.

Faculty found violating the tobacco policy

1st Offense

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- Given a copy of the tobacco policy.

Subsequent Offenses

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- Refer to appropriate union contract to utilize existing penalties agreed upon by the school district and that union.

Visitors and others found violating the tobacco policy

1st Offense

- Civil fine of one hundred dollars (\$100.00) for violations of the Smoke Free Workplace Law.
- For smoking on school grounds, visitors and others will be asked to leave the premises immediately.

SECTION V. ENFORCEMENT

The educational consequences of this Tobacco Policy will be enforced by the school principal and his/her designees. Penalties for violation of the Smoke Free Workplace Law will be enforced by the [insert town name] Board of Health, their agents, and the [insert town name] Police Department.

SECTION VI. EFFECTIVE DATE

This policy shall take effect in full on [insert date] upon its passage.

Resources:

Massachusetts:

Massachusetts Association of Health Boards - www.mahb.org

Massachusetts Health Officers Association - www.mhoa.com

Massachusetts Health Promotion Clearinghouse - www.maclearinghouse.com

Massachusetts Interscholastic Athletic Association - www.miaa.net

Massachusetts Municipal Association - www.mma.org

Massachusetts Tobacco Control Program - www.mass.gov/dph/mtcp

Massachusetts Youth Against Tobacco - www.makesmokinghistory.org

Try-to-Stop Tobacco Resource Center - www.TrytoStop.org

U Mass Medical School/ Center for Tobacco Prevention and Control -
www.umassd.edu/behavmed/tobacco

National:

American Legacy Foundation - www.americanlegacy.org

Campaign For Tobacco Free Kids - www.tobaccofreekids.org

Kick Butts Day information - www.kickbutt.org

National Federation of State High School Associations - www.nfhs.org

National School Boards Association (NSBA) – www.nsba.org/site/index.asp

Smoke Free Educational Services, Ins. - www.quitnet.org

U.S. Centers for Disease Control and Prevention

Tobacco www.cdc.gov/tobacco

School Health www.cdc.gov/HealthyYouth/partners/ngo/nsba.htm

Youth Tobacco Cessation Collaborative - www.youthtobaccocessation.org