

TOBACCO PROHIBITION

Policy

It is the policy of the Marlboro School District to prohibit the use of tobacco on school grounds in accordance with state law. This ban extends to any student, employee or visitor to the school, and applies at all times, whether or not school is in session. Students are, furthermore, prohibited from possessing tobacco products at all times while under the supervision of school staff or at school sponsored activities. The Superintendent or his or her designee shall develop procedures, rules and regulations that are in his or her judgment necessary to implement this policy and, at a minimum, will include provisions ensuring that tobacco products are confiscated when found in the possession of students and that referrals to law enforcement agencies are made when appropriate.

Definitions

For purposes of this policy and administrative rules and procedures developed pursuant to this policy:

1. **School grounds** means any property and facilities owned or leased by the school and used at any time for school related activities, including but not limited to school buildings, school buses, areas adjacent to school buildings, athletic fields and parking lots.²
2. **School sponsored activity** means activities including but not limited to field trips, project graduation events, sporting events, work internships and dances.
3. **Tobacco product** has the same meaning as set forth in 7 V.S.A. 1001(4), as amended from time to time.³

Date Warned: 7-9-12

Revised and re-adopted: 10-1-12

*Legal Reference(s): 16 V.S.A. §140 (Tobacco on school grounds)
18 V.S.A. §§1422 et seq. (Smoking in the workplace)
13 V.S.A. §3705 (Unlawful Trespass)
20 U.S.C. §§6083 et seq. (Goals 2000 Educate America Act, Title X)¹
7 V.S.A. 1001 et seq.*

*Cross Reference: Student Conduct and Discipline (F1)
Bus Discipline (F2)*

¹ Prohibits smoking in any facility operated by a federal agency “.directly or by contract to provide...day care or early childhood services to children...routine or regular kindergarten, elementary or secondary education or library services.”

PROCEDURES: TOBACCO PROHIBITION

Notice procedures

Building principals will provide notice of this policy as follows.

- a. Students will be informed of this policy at the beginning of each school year by placement of the policy in the Student Handbook and by such other means as the principal of each district school deems necessary and appropriate.
- b. Employees will be informed of this policy through notices posted in school offices and the placement of the policy in the Employee Handbook. Employees will be given a copy of this policy upon request.
- c. The general public will be notified of this policy by posting notices of the policy in the entry ways to school buildings and in hallways outside of the library, gymnasium and auditorium. Notice of this policy will also be placed in bulletins, programs and announcements of school events.

Enforcement Procedures

The following actions will be taken to enforce this policy.

- a. Student violations. Students who violate this policy will be disciplined under the school's disciplinary policy and procedures.
 1. Any employee who observes a student in possession of a tobacco product shall confiscate the product and report the violation to the principal within 48 hours.
 2. The principal shall store any confiscated tobacco product in a secure place until it is no longer needed for any disciplinary action or other legal proceeding. Thereafter, the tobacco product shall be destroyed.
 3. The principal shall expeditiously investigate any report of student violations of this policy, shall determine whether the report is supported by the evidence and, if so, whether referral to law enforcement agencies is appropriate.²
- b. Employee violations. Employees who violate this policy will be subject to disciplinary action in accord with applicable employee policies, employment contracts and requirements of law.
- c. Violations by Other Individuals. Others who use tobacco on school grounds will be informed of this policy and asked to comply. A person failing to comply will be asked to leave school grounds. A person who refuses to comply or to leave school grounds when requested to do so under this policy may be referred for prosecution as a trespasser.

¹ 18 V.S.A. 1422 requires all employers to “establish...or negotiate...a written smoking policy. For purposes of determining smoking policy for schools with school boards, the employer shall be the school board.” 16 V.S.A. 140 requires that school boards “...adopt policies prohibiting the possession and use of tobacco products by students at all times while under the supervision of school staff. These policies shall include confiscation and appropriate referrals to law enforcement authorities.”

² The definitions of “school grounds” and “school sponsored activity” used in this policy are the same as those found in the Department of Education model policy on Possession and Use of Tobacco Products.

³ 7 V.S.A. 1005 subjects persons under the age of 18 who possess tobacco products or who misrepresent their age in order to obtain tobacco products to civil penalties, confiscation of the products and suspension of drivers' licenses if the civil penalty is not paid.

³ The term “tobacco product” is defined in 7 V.S.A. 1001(4) as “cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other forms of tobacco prepared in a manner suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.”