

## **TOBACCO-FREE POLICY VIOLATIONS**

Students, staff or visitors who violate the district's tobacco-free policy shall be informed that their actions are in violation of district policy and asked to comply. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities. The building principal or designee shall promptly investigate any violations and act on findings as appropriate. The District shall enforce the requirements placed on extracurricular participants by North Dakota law and the North Dakota High School Activities Association (NDHSAA).

Disciplinary consequences imposed by the building principal or designee may include, but are not limited to, the following:

1. Students
  - a. The first violation shall result in confiscation of tobacco products, electronic smoking devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:
    - i. A student meeting and individual student assessment with a designated staff to discuss tobacco use and the district policy.
    - ii. Provision of information to student about available cessation programs and resources.
    - iii. Student participation in a tobacco education program.
    - iv. Suspension
  - b. The second violation shall result in confiscation of tobacco products, electronic smoking devices, imitation tobacco products, or lighters; notification of parents and/or guardians; the provision of information to the student about available cessation programs; and at least one of the following:
    - i. A student meeting and individual student assessment with a designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
    - ii. Student participation in a tobacco education program.
    - iii. Suspension
  - c. The third and any subsequent violation shall result in confiscation of tobacco products, electronic smoking devices, imitation tobacco products, or lighters; notification of parents and/or guardians; the provision of information to the student about available cessation programs; student participation in a tobacco education program; and at least one of the following:
    - i. A student meeting and individual student assessment with a designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
    - ii. Educational community service.
    - iii. Suspension, expulsion and/or alternative placement.

The District shall avoid the overuse of exclusionary discipline for violations of tobacco use/possession policies and shall strive to reserve the use of out of-school suspensions, expulsions, and/or alternative placements for the more egregious disciplinary infractions that threaten school safety, such as bringing a firearm to school, and when mandated by federal or state law.<sup>1</sup> The District is encouraged to practice holistic enforcement options for student violations such as education, counseling, and rehabilitation.<sup>2</sup>

2. Staff

A staff member who violates this policy may be subject to disciplinary action, up to and including suspension and/or termination. The District may notify law enforcement agencies regarding a staff member's violation of this policy.

3. Visitors

- a. Visitors observed violating this policy shall be asked to comply with the district's tobacco-free policy.
- b. If a visitor fails to comply with the request, this policy violation may be referred to the building principal or designee. The building principal or designee shall decide on further action that may include a directive that the visitor leave school property and forfeit any fee charged for admission to a school-sponsored event.
- c. Repeated violations may result in the building principal recommending to the Superintendent that the individual be prohibited from entering school property. If enacted, such prohibitions shall not violate law and may be limited to a specific period of time as determined by the Superintendent. The Superintendent may grant exceptions to such prohibitions for reasons such as, but not limited to, granting a parent violator the ability to pick up and drop off their child from school or for a visitor to attend an open public meeting or vote at a designated polling place.

**End of Jamestown Public School District Board Reg. ABBA-BR ..... Approved: 12/21/2020**

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<sup>1</sup> U.S. Dep't. of Educ., Guiding Principles: A Resource for Improving Sch. Climate & Discipline (2014)

<sup>2</sup> Public Health Law Center, Student Commercial Tobacco Use in Schools (2019)