

Policy: Possession and Use of Tobacco Products
File Code: JFCG (also GBK)

I. Philosophy

The Chittenden Central Supervisory Union is committed to a zero tolerance of tobacco products on school grounds or in school buildings or possession or use thereof by students at school-sponsored activities. Use of tobacco is a significant public health risk. Tobacco products are extremely addicting and can cause health effects that interfere with school performance.

Comprehensive approaches to restricting minors' access to tobacco products are the most effective means of reducing tobacco use and the resultant health effects of using tobacco products. Minor students who are in possession of or using tobacco products are in need of education and other assistance. The School District shall include within the curriculum offered within its elementary and secondary schools teaching about the effects and legal consequences of possession and use of tobacco products, and the District should, consistent with the educational needs of students and the recommendations of law enforcement agencies, assist in the enforcement of legal prohibitions against the possession and use of tobacco products by minors.

II. Policy

It is the policy of Chittenden Central Supervisory Union that no student shall possess, use, sell, give or otherwise transmit any tobacco product on school owned or leased property or at any school-sponsored activity off school grounds.

Any tobacco product in the possession of a student in violation of this policy shall be confiscated immediately by an employee and reported to the principal or his/her designee who shall, if appropriate, make a referral to law enforcement.

Consistent with state statutes, 16 VSA §140, no person, including adults, shall be permitted to use tobacco on school grounds.

III. Definitions

“Principal” means the principal, or in the case of a technical center the technical center director, or an employee designated by the principal or technical center director.

“School property,” however characterized herein, means any property owned or leased by the school district and used at any time for school related activities including but not limited to school buildings, areas adjacent to school buildings, parking lots, athletic fields and school buses.

“School-sponsored activity” includes but is not limited to such activities as field trips, sporting events, work internships, and dances.

“Tobacco product” has the same meaning as set for in 7 VSA §1001 (4), as amended from time to time, and includes 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.

IV Prevention/Education

The Chittenden Central Supervisory Union shall include in its alcohol and drug abuse education curriculum a sequence that includes teaching about the health effects and legal ramifications of possession and use of tobacco.

A qualified school nurse or educator shall be available to speak with individual students, when appropriate, about tobacco use and possession and smoking cessation programs. The nurse or educator shall be aware of available resources and programs to assist students in quitting smoking or other use of tobacco products.

To the extent appropriate, school officials shall coordinate the implementation of this policy with law enforcement agencies and community officials with a focus on directing students to relevant education and cessation programs.

V. Procedures

The following procedures apply to the possession or use of tobacco products by students on school property or at school-sponsored activities:

- 1) Any employee who observes a student in possession of a tobacco product, who has reasonable cause to believe a student is in possession of a tobacco product, shall confiscate the tobacco product.
- 2) As soon as reasonably possible after confiscation of a tobacco product under this policy, or within 48 hours if the confiscation occurs during a school-sponsored activity off school grounds, the employee shall report the violation to the principal and make out a written statement including the circumstances surrounding the possession or use of the tobacco product.
- 3) Upon receipt of any tobacco product under this policy, the principal shall, unless the tobacco product is given over to law enforcement officials, store the tobacco product in a secure designated place until it is no longer

necessary for any disciplinary or other legal proceeding. Thereafter, the tobacco product shall be destroyed.

- 4) After receiving the report of the employee, the principal shall review the circumstances surrounding the reported possession or use of tobacco products. The review shall include an interview with the student and any identified witnesses. The principal shall notify the parents or guardian of the student who is the subject of the review.
- 5) After completion of the review, the principal shall make a determination as to whether the evidence supports the employee's report and, if so, whether in the case of minors a referral to law enforcement is appropriate. Factors to consider as to whether to report the incident to law enforcement include whether it is a first or repeat offense and the policies of local law enforcement agencies specifying under what circumstances reports should be filed.
- 6) If the principal determines that the evidence supports a finding that a student possessed or used tobacco products in violation of this policy, he/she shall initiate any applicable educational or disciplinary processes as set forth in Sections IV and VI of this policy and the Chittenden Central Supervisory Union Discipline and Required Student Behavior Policy [JG].
- 7) The above process should be concluded in as expeditious a manner as possible and should, if possible, take no longer to conclude than ten days from the date of the reported incident.
- 8) In the event that the reported incident involves the sale or other transmittal of tobacco or tobacco products, the procedures set forth above shall be applied except that a referral to law enforcement should be made immediately by the principal or his/her designee upon receiving the report. If the incident takes place away from school property and the principal or his/her designee is not reachable, the employee who observes or suspects the sale or transmittal of tobacco or tobacco products shall immediately refer the matter to law enforcement.

VI. Discipline

The procedures and penalties set for the Chittenden Central Supervisory Union Discipline and Required Student Behavior Policy [JG] shall apply to incidents in which a student has been reported to have possessed, used, or transmitted tobacco products in violation of this policy.

In addition to any disciplinary measures taken under the above-mentioned Chittenden Central Supervisory Union Discipline and Required Student Behavior Policy, a student

after a first offense shall be referred to the school nurse or other qualified educator for a discussion about the health effects and legal consequences of possession, use or transmittal of tobacco products as well as provision of information on the availability of smoking cessation programs.

VII. Training and Information

The principal shall cause training of all school employees to occur with regard to the implementation of this policy. Such training shall include information on the hazards of the use of tobacco products.

Parents and student shall be notified each year of the provisions of this policy through publication in the student handbook.

Legal references: 16 VSA §140
 16 VSA §909
 7 VSA §1001-1008

Cross References: *Discipline and Required Student Behavior Policy*
 Search and Seizure Policy
 Interrogations or Searches of Students by Law Enforcement

Replaces previous polices:
 JFCG "Smoking by Students"
 GBK "Tobacco Use Prohibited on School Grounds"

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Chittenden Central Supervisory Union