

Rhode Island Smoke-Free School Model Policy

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SECTION I. RATIONALE

Tobacco use is the leading cause of preventable death in the United States. 95% of smokers start before the age of 21 and the vast majority of daily smokers begin smoking before the age of 18. The use of tobacco products on school grounds, in school buildings and facilities, on school property or at school-related activities or school-sponsored events, including but not limited to athletic events is detrimental to the health and safety of students, staff and visitors.

In the State of Rhode Island, the smoke-free schools law now bans all Electronic Nicotine Delivery Systems (ENDS) from schools and related properties, along with other tobacco products. ENDS tobacco products, also known as e-cigarettes, vapes, vaping devices, the brand name JUUL, Sourin, PHIX, Blu, etc. can neither be possessed nor used in these settings, according to the new law that went into effect on January 1, 2018. This law includes all RI public, private & charter elementary & secondary schools and includes surrounding school-owned properties.

State law mandates that students, parents, contractors, faculty, staff, administration, and all other visitors are to be smoke-free and tobacco-free on and around school grounds including places rented by a school or visited during a school function.

•RI Smoke-free School Sign is downloadable at:

<http://health.ri.gov/publications/signs/ThisIsATobaccoFreeSchoolCampus.pdf>

•Read § 23-20.9-4: Smoking in Schools, Definitions

•Read § 23-20.9-5: Smoking in Schools, Regulation of smoking in schools

SECTION II. DEFINITIONS

Administrator - 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.

Staff - Person(s) employed by [insert school name] as some full-time, part-time or independent contractors, as well as volunteers.

Parent/Guardian - Person(s) that have legal guardian status and responsibility over a student enrolled in [insert school name] for educational purposes.

School building - Any building or enclosed walkway that is used or leased for educational purposes.

School grounds - 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.

Student - Person(s) legally enrolled in [insert school name] for educational purposes.

Smoking - “Smoking” or “smoke”, the inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe or other tobacco product or plant product intended for inhalation in any manner or any form. “Smoking” or “smoke” also includes the use of electronic cigarettes, electronic cigars, electronic pipes, or other similar products that rely on vaporization or aerosolization.

Tobacco paraphernalia - Any device used to aid, ingest, light, burn, or consume any tobacco product as defined herein, including but not limited to pipes, rolling papers, matches or any component or part of a tobacco product. Tobacco product Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any 11 other means including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, vape pens, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization.

“Tobacco product” - *Tobacco product* means: (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoke, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff; and (2) any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah. Notwithstanding any provision of clauses (1) and (2) in this definition to the contrary, tobacco product includes any component, part, or accessory of a tobacco product, whether or not sold separately; tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

SECTION III. TEXT

Use of tobacco product - No person(s) shall, at any time, use a tobacco product in any school building, on any school grounds, at any athletic event or any school sponsored event or in any school bus or other vehicle used for school purposes. Pursuant to Rhode Island General Law Chapter 23-20.9-5.

Possession of tobacco product - No student shall at any time possess any tobacco product or tobacco paraphernalia in any school building, on any school grounds, at any athletic event or any school-sponsored event or in any school bus or other vehicle used for school purposes.

Confiscation - When there is evidence that a student is in possession of tobacco products or tobacco paraphernalia, administrators or other designated staff may confiscate such items.

Fair and equitable implementation – This policy and penalties for violations of policy will be carried out fairly and equitably. Schools will maintain demographic records on students penalized under policy and conduct periodic review to look for inconsistencies in the types of students being caught and penalized as well as the severity of the punishment. Penalties shall be applied universally regardless of a student’s gender, race, age, ethnicity, primary language, academic standing, immigration status, employment status, family income, zip code, physical abilities, participation in student athletics, the arts, student government, etc.

Cumulative – Because ongoing use of tobacco products indicates addiction and may be triggered by social-emotional circumstances, it is important to intervene with responses that are aligned with student tobacco use at a point in time. For that reason, this policy will not reset at the beginning of each school year but, rather, will be cumulative throughout middle school with a reset upon entering high school at which point any penalties will be cumulative until graduation.

SECTION IV. PENALTIES

First Offense

- Confiscation and destruction of tobacco product including but not limited to e-cigarettes, vaporizers, vape pens, e-hookahs, and other nicotine delivery devices. regardless of student age or parent consent
 - RI General Law (23-20.9-5) prohibits use of tobacco products including e-cigarettes
- Mandatory referral to in-school Student Assistance Counselor (SAC) for three (3) sessions. The school will notify the parent/guardian that the student has been referred to the SAC.
 - The first session with the in-school SAC should occur within one (1) week of offense and should be last for no fewer than thirty (30) minutes. Future sessions will be at the discretion of the SAC.
 - In the case that the school does not currently have a SAC, the student will meet with a school social worker, psychologist, or adjustment counselor for a motivational interview and additional sessions.
- Educational Program
 - If the student does not comply, it would result in school sanctioned discipline
 - Educational Program Option #1:
 - Review of information and complete two-page essay or ten-minute video on one of the following topics
 - Nicotine addiction and the developing brain
 - Health problems associated with long term use of tobacco products
 - History of unethical behavior by tobacco companies and 1997 settlement
 - Essay must be graded by educator and graded at 75.0 numerical level
 - Review and return to student until they meet academic criteria
 - Essay must be completed within five school days of offense
 - Educational Program Option #2:
 - Prevention retreat curated by prevention specialists.
 - Student and their parent/guardian will be mandated to attend a full-day training on substance use prevention, mental health promotion, coping strategies, and will be responsible for taking a pre and post test to measure what they learned
 - Following this prevention retreat, the student and parent must meet with a school personnel to the resources available to them
 - These retreats would be held once per month for all students who have not complied with school substance use/tobacco policies
 - School sanctioned discipline
 - Before or after school detention a half-hour per day for 5 days to be decided by school administrators
 - Restricted hall passes to be decided by school administrators
 - Lavatory use restricted to passing periods or have faculty member accompany student to lavatory (stays outside).

- Student will write a note apologizing to fellow classmates for exposing them to secondhand smoke/vapor/aerosol.

Second Offense

- Confiscation and destruction of tobacco product including but not limited to e-cigarettes, vaporizers, vape pens, e-hookahs, and other nicotine delivery devices. regardless of student age or parent consent
 - RI General Law (23-20.9-5) prohibits use of tobacco products including e-cigarettes
- Mandatory referral to in-school Student Assistance Counselor (SAC) for five (5) sessions. The school will notify the parent/guardian that the student has been referred to the SAC.
 - The first session with the in-school SAC should occur within one (1) week of offense and should be last for no fewer than thirty (30) minutes. Future sessions will be at the discretion of the SAC.
- School sanctioned discipline and educational program
 - Educational program requirements
 - Identical to those outlined in first offense
 - School sanctioned discipline requirements
 - identical to those outlined in first offense
 - Student is accompanied by parents/guardians to meeting with school administrators
 - Discussion of likely future disciplinary responses with parent/guardian and student

Third Offense:

- Confiscation and destruction of tobacco product including but not limited to e-cigarettes, vaporizers, vape pens, e-hookahs, and other nicotine delivery devices. regardless of student age or parent consent
 - RI General Law (23-20.9-5) prohibits use of tobacco products including e-cigarettes
- Mandatory referral to in-school Student Assistance Counselor (SAC) for seven (7) sessions. The school will notify the parent/guardian that the student has been referred to the SAC.
 - The first session with the in-school SAC should occur within one (1) week of offense and should be last for no fewer than thirty (30) minutes. Future sessions will be at the discretion of the SAC.
- School sanctioned discipline and Educational Program
 - Educational program requirements
 - Identical to those outlined in second offense
 - School sanctioned discipline requirements
 - identical to those outlined in second offense
- Referred to School Resource Officer for documentation or arrest
 - SRO discretion
 - Offense report
 - Documentation of all instances of previous violations, school sanctioned discipline, and steps taken to educate and alter behavior
 - Arrest report
 - Referred to Juvenile Hearing Board (diversionary program) or Family Court
- Reparations to peers/classmates – providing education to other students on nicotine addiction, etc.

SECTION V. ENFORCEMENT

Enforcement should be in line with enforcement of any other infraction of the handbook.

SECTION VI. EFFECTIVE DATE

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

Need Additional Technical Assistance?

Tobacco Free Rhode Island along with their consultants and Youth Advisory Board members can develop tools and resources to assist schools with implementation of this new policy. Assistance may include:

1. Developing an inventory of vetted sources for student written or video research projects to meet the requirement within each penalty phase. (This could be available on blackboard, classroom, basecamp, RIPRC, TFRI website.)
2. Ideas for engaging a diverse cross-sector team from the school community to develop, promote, and monitor the policy over time;
3. Promoting the new policy in a youth voice with a how-to video to accompany policy planning and rollout processes;
4. Ideas for encouraging students to self-report on their own tobacco use (outside of school) so they can get the help they need without fear of being penalized; and,
5. Suggestions for repeatedly reminding students, faculty, staff, parents/guardians, and school visitors of the vaping policy, of nicotine's addictive properties and health impacts; and of ways to get help.