



Superintendent's Circular

School Year 2018-2019

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HWD-06

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TOBACCO-FREE ENVIRONMENT POLICY

A Tobacco Policy Task Force met during the 2010-2011 school year to review the BPS smoking policy and develop recommendations for a comprehensive tobacco policy for the Boston Public Schools. Task Force members included: representatives from Health Services, Facilities, Health & Wellness Department, School Safety, teachers, students, parents and a high school principal.

This Tobacco-Free Environment Policy is motivated by the philosophy that every staff person, student, parent and visitor should have the right to breathe clean air in their school and work environment, and that BPS is acutely aware of the serious health risks associated with the use of tobacco products, both to users and non-users. The Policy recognizes that the use or promotion of tobacco products on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff and visitors. BPS acknowledges that adult staff and visitors serve as role models for students and embraces its obligation to promote positive role models in schools, and to provide an environment for learning and working that is safe, healthy, and free from unwanted smoke and tobacco use for students, staff, and visitors. Therefore, a comprehensive policy was adopted in 2012 to prohibit the use of any tobacco- or nicotine-related product. The Boston Public Schools have prohibited smoking on school property since 1987 when the School Committee of the City of Boston first adopted a Smoking Policy.

A Tobacco-Free Environment Policy has been developed to comply with and extend beyond the Massachusetts Smoke-Free Workplace Law. Mass. Gen. Laws Ch 270 sec 22 and Ch 71 sec 2A and Boston's Clean Air Works Workplace Smoking Restrictions Regulation. Furthermore, this policy has been reinforced by the Education Reform Act of 1993 and M.G.L. 370 Section 22.

Definitions

School property includes: inside and outside both administrative and school buildings, sidewalks/walkways, parking lots, playgrounds, fields, school buses and other official vehicles, loading docks and any other facility under BPS jurisdiction. Smoking and tobacco use while parked on school property is prohibited.

Tobacco products include, but are not limited to: cigarettes, cigars, cigarillos (or little cigars), clove cigarettes, loose tobacco, blunt wrappers, chewing tobacco (chew, dip), or any other product not mentioned that contains tobacco of any kind. It also includes any products containing nicotine such as dissolvable nicotine, electronic cigarettes, nicotine gel, nicotine water, or any other preparation of unregulated tobacco and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, or offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, *and not including* any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence.

Tobacco paraphernalia: includes any device used to aid, ingest, light, burn, or consume tobacco products, including but not limited to pipes, rolling papers, lighters and matches.

Policy

It shall be a violation of this policy for any student of BPS to possess, use, consume, display or sell any tobacco products or tobacco paraphernalia at any time on school property, at off-campus, school-sponsored events and extra-curricular activities, within vehicles located on school property, and within 50 feet of school property.

It shall be a violation of this policy for any staff, administrator, or visitor of BPS to use, consume, display or sell any tobacco products or tobacco paraphernalia at any time on school property, at off-campus, school sponsored events and extra-curricular activities, within vehicles located on school property, and within 50 feet of school property.

It shall be a violation of this policy for any person to promote, or for BPS to promote or allow promotion of tobacco products, tobacco brands, or tobacco paraphernalia on school property, at off-campus, school-sponsored events and extra-curricular activities, or within 50 feet of school property. This includes promotion of any corporate name, trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indication of product identification identical or similar to those used for any brand of tobacco product company, or manufacturer of tobacco products through the use of any gear, bags, clothing, any personal articles, signs, structures, vehicles, flyers or any other materials.

BPS shall act to enforce this policy and to take appropriate action against any students, staff, administrator, or visitor who is found to have violated this policy.

It shall be a violation of this policy for BPS to solicit or accept any contributions, gifts, money, curricula, or materials from the electronic cigarette industry, tobacco industry, and tobacco- or nicotine-related device industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for scholarship, advertising, promotions, loans, or support for equipment, uniforms, and sports and/or training facilities. It shall also be a violation of this policy to participate in any type of service funded by any of the industries listed above.

Exceptions/Exemptions

It shall not be a violation of this policy for tobacco products, tobacco-related devices or imitation tobacco products to be used for the following:

1. Instructional or work-related activities in Boston Public Schools if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing or otherwise ingesting the product.
2. Use of a product that has been approved by the US Food & Drug Administration for sale as a tobacco cessation product, tobacco dependence product, or other medical purposes and is being marketed and sold solely for such an approved purpose.

Implementation Guidelines:

Building administrators (i.e. School Principals & Department Heads) and supervisors shall have responsibility to:

1. Identify Point Person(s) for implementing and enforcing this policy.
2. Ensure that proper "Tobacco-Free" signs in accordance with the Boston Public Health Commission "are prominently posted throughout the school property. Locations must include: all entrances/exits to buildings (including basement and loading docks), athletic fields, playgrounds, school buses/transportation vehicles, bathrooms, and teacher lounges.
3. Inform all staff, students, parents and visitors of their obligations with respect to the policy.
 - a. This policy must appear in all student, parent and staff handbooks.
 - b. Staff must sign that they have been informed of policy.
 - c. Violation of this policy may result in a fine administered by the Boston Public Health Commission to the school or department.
 - i. 1st violation: \$200
 - ii. 2nd violation (within 24 months): \$700
 - iii. 3rd or more (within 24 months): \$1000
 - iv. For more information:
http://www.bphc.org/boardofhealth/regulations/Forms%20%20Documents/guidelines_CleanAirWorksWorkplaceSmokingRestrictions_11-10-10.pdf
 - d. Inform students and employees how to anonymously report a violation to the Boston Public Health Commission: 617-534-4718

4. Communicate this policy to any and all visitors, which includes vendors and those contracted to do work, and those permitted to use the building and facilities before school, after school and on the weekends.
5. Supervise implementation of the policy.
6. Provide staff with information regarding smoking cessation options.

These responsibilities shall be addressed initially by making staff aware of this circular, by posting the required signs and posters, by providing information and encouragement, and by serving as a positive role model for students, staff, and visitors.

Teachers and staff are reminded that they serve as role models for students, and as such should refrain from smoking and tobacco use on the sidewalks surrounding any school property. Smoke that migrates into the workplace (such as through propped doors or windows) is in violation of the Massachusetts Smoke-Free Workplace Law. Complaints should be directed to Building Administrators who are responsible for following recommended disciplinary guidelines. Anonymous complaints may also be directed to Boston Public Health Commission (617-534-4718) where school departments and schools may be subject to a fine as listed above.

Prevention Education to discourage the use of tobacco shall be included in Health Education provided for all students. Staff responsible for teaching tobacco-use prevention shall have adequate training and will participate in ongoing professional development activities to effectively deliver the education program as planned.

The success of this policy will depend upon the thoughtfulness, consideration and cooperation of both tobacco-users and non-users. All individuals on school premises share in the responsibility to and enforcement of this policy.

Support for Implementation:

It is recommended that Building Administrators, Principals and Supervisors follow the disciplinary measures of the Tobacco-Free Environment Policy, and in accordance with the Code of Conduct:

Students

- The **first** violation shall result in any or all of the following:
 - confiscation of tobacco products/paraphernalia
 - notification of parents
 - meeting and assessment with substance abuse educator or designated staff with parents
 - offering student information about available cessation programs
- The **second** violation shall result in:
 - confiscation of tobacco products/paraphernalia
 - notification of parents
 - offering student information about available cessation programs
 - as well as one of the following:
 - meeting and assessment with substance abuse educator or designated staff with parents
 - MANDATORY participation in tobacco education program.
- The **third** violation shall result in:
 - confiscation of tobacco products/paraphernalia
 - notification of parents
 - and offering student information about available cessation programs
 - as well as one or more of the following:
 - meeting and assessment with substance about educator or designated staff with parent
 - MANDATORY participation in tobacco education program.
 - community service
 - suspension

Staff

- Department Heads and Building Administrators (such as principals) shall be responsible for:
 - Reminding staff of the Tobacco-Free Environment Policy and provide a copy
 - Provide information about and a referral to cessation services available.
 - Informing staff the school and/or department is subject to a fine by the Boston Public Health Commission.

Visitors

- Visitors who are observed violating this policy shall be asked to comply with the Tobacco-Free Environment Policy. If the visitor fails to comply with the request, his or her violation of the policy may be referred to the Building Administrator or other school district supervisory personnel available. The supervisor shall make a decision on further action that may include a directive to leave school property.
- Repeated violations may result in a recommendation to the School Principal or Building Administrator to prohibit the individual from entering school district property for a specified time. If he or she refuses to leave, school police may be called to have the individual leave.

Enforcement of this policy will be by school principals, building administrators and department heads. Penalties for violation of the Smoke-Free Workplace Law will be enforced by school officials, the Boston Public Health Commission, and their agents.

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