



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	3215
Title of Policy:	Smoking and Tobacco-Free Environment
Cabinet Member:	Christine Moore
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 11/15/21 • Work Session – 12/14/21 • Rule Development Workshop – 1/18/22 • School Board Meeting Information – 1/18/22 • School Board Meeting Approval – 2/8/22 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • These proposed revisions encompass the suggested language from NEOLA. • Definitions have been updated to reflect new NEOLA language. • Addition of language specifying it is a violation of the policy to accept a gift, in any form, from the tobacco industry and/or to promote tobacco products on school property.
Specific Authority:	<i>§§ 386.201, 386.202, 386.204, 386.209, 386.212, 1001.41 – 1001.43; F.S., 20 U.S.C. 6081 et seq., 20 U.S.C. 7182</i>
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

3215 – TOBACCO-FREE ENVIRONMENT

A. PURPOSE

1. The School Board of Brevard County, Florida recognizes that the use of commercial and/or other tobacco products, including electronic nicotine delivery systems/devices, is a health, safety, and environmental hazard for students, employees, parent/legal guardians, visitors, and school facilities. The board is acutely aware of the serious health risks associated with the use of tobacco products, including electronic nicotine delivery systems/devices, to users and non-users. The Board believes that the use, possession of, or promotion of commercial tobacco products, including electronic nicotine delivery systems/devices, on school grounds, and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas) is detrimental to the health and safety of students, employees, and visitors.
2. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, providing a tobacco-free environment is consistent with the responsibilities of teachers and employees to be positive role models for our students.
3. The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, employees, and visitors.
4. As tobacco products contain nicotine and other ingredients to increase their appeal, and as electronic smoking devices may contain nicotine or other natural synthetic addictive substances, procedures to address student violations of this policy will be applied in a direct and consistent manner, emphasizing the equitable and non-discriminatory use of supportive disciplinary practices that focus on recovery and reduction of tobacco product addiction and dependence.
5. The chemical composition of electronic smoking devices may be unknown without laboratory testing, thus all violations involving electronic smoking devices will be addressed by this policy unless other objective evidence (e.g., other drug paraphernalia is present or packaging includes images or language indicating the presence of THC) supports laboratory testing and the results from such laboratory testing indicate the violation should be addressed by district policies on the use of other drugs.
6. Smoking and other uses of tobacco products pose a significant contributor to overall health, medical issues, and death of known users of tobacco products. Thus, the purpose of this policy is to establish that the Board and the District maintains a tobacco-free environment and to provide for notification to the District employees, students, and the public.

B. APPLICABILITY OF POLICY

This policy applies to students, employees, volunteers, parent/legal guardians, spectators, and visitors while on District-owned property or District or school sponsored events or activities. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, golf carts, and cars.

C. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

1. *“At any time”* means during normal school and non-school hours: 24 hours a day, seven days a week, 365 days a year.
2. *“Electronic smoking device”* means vapor-generating electronic devices, e-cigarettes (including, but not limited to, “JUULs”), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies.
3. *“Imitation tobacco product”* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. “Imitation tobacco product” includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, and shredded beef jerky in containers resembling snuff tins.
4. *“Use of Tobacco”* for the purpose of this policy is defined to include chewing or maintaining any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all use of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes.
5. *“Off-campus”* or *“school-sponsored events”* is defined as any event sponsored by the school or school district that is not on school property, including, but not limited to, sporting events, day camps, field trips, seminars, dances, or theatrical productions.

D. POLICY STATEMENT

1. No student, is permitted to use or have in possession and no employee, volunteer, vendor, contractor, or school visitor is permitted to use tobacco products of any kind, electronic cigarettes, or any other tobacco or smoking related product at any time in, on, or during the following:
 - a. any building, facility, or vehicle owned, leased, or rented by the District;
 - b. any school grounds and property, including all schools, district offices, athletic fields, practice fields, playgrounds, parking lot, administrative offices, maintenance, transportation areas, etc., owned, leased, rented, or chartered by the District; and/or
 - c. at any off-campus, district, or school-sponsored event.

E. EXCEPTION

1. It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, or lighters to be included in an instructional or work-related activity school buildings if the activity is conducted by an employee or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.
2. It is allowable for employees or adult visitors to possess or use a product that has been approved by the FDA for sale as a tobacco cessation or dependence product and is being marketed and sold solely for such an approved purpose.

F. NOTIFICATION OF POLICY AND IMPLEMENTATION

“No Tobacco” signs will be posted throughout the District. Students will be provided notice of this policy through the Code of Student Conduct, and notice that it is illegal under Federal law for any person, student, or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase on school property tobacco products and/or anything defined as “use of tobacco” in this policy.

Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.

Announcements will be made during home athletic events, as well as at all school functions where deemed appropriate.

School programs will include a written reminder of the tobacco-free environment policy.

G. TOBACCO PROMOTION PROHIBITED

1. Tobacco advertising and promotion is prohibited on school grounds, in all school-sponsored publications, on District vehicles and buses, and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including but not limited to, clothing, bags, lighters, and other tobacco articles are not permitted on school grounds, in school-sponsored publications, in school vehicles or at school-sponsored events.
2. It shall be a violation of this policy for the Board to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, 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 the tobacco industry while in the scope of employment for the District.

H. EDUCATIONAL AND CESSATION PROGRAMS

1. **Prevention Education for Students.** The principal or designee will consult with Student Services, Leading and Learning, and other appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The principal or designee will ensure that students in grades K-12 receive tobacco prevention education using sequential, age appropriate, current, accurate, evidenced-based curricula and a skills-based approach (involving students in active "hands on" learning experiences), at least once (1) per year. The curricula for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.
2. **Cessation Support Programs.** The principal or designee will consult with the District Employee Wellness and Student Services, the Brevard County Health Department, the American Cancer Society, the American Lung Association, and other appropriate health organizations to provide employees and students with information and access to support systems, tobacco use cessation programs, and services to encourage them to abstain from the use of tobacco products.

I. RESPONSIBILITY OF ADMINISTRATORS

It is the responsibility of District and School Administrators to:

1. Communicate this policy to students, employees, family members, volunteers, and visitors, at school events, through signage, and Code of Student Conduct.
2. Treat violators who are students or employees with disciplinary actions consistent with Board Policies.
3. Ensure that family members, volunteers, or visitors who violate this policy discontinue using the tobacco product or electronic cigarette or leave the premises. Law enforcement officers may be contacted to escort the violator off the premises or cite the violator for trespassing if the person refuses to leave the school property.

4. Include the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

J. DISCIPLINARY ACTIONS FOR STUDENTS OR EMPLOYEES

1. **Students.**

- a. Consequences for students engaging in the prohibited behavior will be provided in accordance with the Code of Student Conduct.
- b. Students who violate this policy may be referred to the school counselor, a school nurse, or other health or counseling services for health information, counseling, and referral for additional services or programs.
- c. Administration may offer violators an Alternative to Suspension (ATS) to include, but not limited to corrective strategies, such as referrals to local youth tobacco cessation programs and/or other services.
- d. Parents/Legal Guardians will be notified of all violations and actions taken by the school.

2. **Employees.**

Consequences for employees who violate this policy will be in accordance with the District's employee policies or any applicable collective bargaining agreement.

K. PROGRAM EVALUATION

This policy shall be assessed by the school district or its designee evaluator at regular intervals, at least once every three (3) years, to determine whether policies, policy enforcement, communication, education, employee training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

Revised 12/9/03
Technical 1/17/08
Revised 10/28/14
Revised 5/25/21

Legal

F.S. 386.201
F.S. 386.202
F.S. 386.204
F.S. 386.209
F.S. 386.212
F.S. 1001.41
F.S. 1001.42
F.S. 1001.43
20 U.S.C. 6081 et seq.
20 U.S.C. 7182

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Neola Template



Book: Florida Policies for Update
Section: Vol. 22, No. 1, Sept. 2021
Title: REPLACEMENT POLICY - VOL. 22, NO. 1 - SMOKING AND TOBACCO-FREE ENVIRONMENT
Number: po3215

REPLACEMENT POLICY - VOL. 22, NO. 1

3215 - SMOKING AND TOBACCO-FREE ENVIRONMENT

[Drafting Note: This is a comprehensive policy designed to create a safe learning and work environment free o--f smoking and tobacco.]

The School Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, staff, and visitors.

The Board recognizes that adult staff and visitors serve as role models for students. The Board 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 or aerosol and other tobacco use for the students, staff, and visitors.

Definitions

“Any time” means twenty-four (24) hours a day, seven (7) days a week, 365 days a year.

“Electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. “Electronic smoking device” includes, but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. “Electronic smoking device” also includes any component part of a product, whether or not marketed or sold separately, including but not limited to e-liquids, e-juice, cartridges, or pods.

“School property” means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.

“Tobacco product” means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, electronic smoking devices, cigars, little cigars, and other kinds and forms of tobacco.

General Statement of Policy

Students are prohibited from possessing, using, consuming, displaying, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored event.

Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, imitation tobacco products, or lighters at any time on school property or at any off-campus, school-sponsored events. This includes products or paraphernalia displaying tobacco industry brands.

It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.

It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

() Instruction to discourage the use of tobacco products shall be included in the education provided for all students. Staff responsible for teaching tobacco use prevention shall have adequate training and participate in ongoing professional development activities in order to be able to effectively deliver the education program. The curriculum for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.

Exceptions

It is not a violation of this policy:

for a staff member or approved visitor to include tobacco products, tobacco-related devices, imitation tobacco products, or lighters in an instructional or work-related activity in District school buildings, if the activity does not include smoking, chewing, or otherwise ingesting the product; or

for a person to use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose.

Opportunities for Cessation Programs

Administrators shall consult with the local public health department or other appropriate health and allied community-based organizations to provide students, staff, and administrators with information and access to support systems, programs, and services to encourage them to abstain from the use of tobacco products.

Administrators shall identify and offer evidence-based programs and services for staff members who use tobacco products to support them in complying with this policy.

Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors, are

responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

[] Violations of this policy by staff members will be addressed through established staff disciplinary procedures.
[END OF OPTION]

[] The first violation of this policy will result in a verbal warning to the staff member and an offer of a referral to cessation services.

The second violation will result in a written warning to the staff member with a copy placed in the staff member's District personnel file and an offer of referral to cessation services.

The third violation will be considered insubordination and shall be dealt with accordingly based on established policies and procedures for suspension and/or dismissal of staff. **[END OF OPTION]**

Dissemination of Policy

Notice of this policy will be provided through:

appropriate "No Tobacco" signage posted in the District on school buildings, building entrances, vehicles, vehicular entrances to school grounds, and indoor and outdoor athletic facilities;

written notice to students and parents/guardians in student handbooks and orientations;

written notice in staff handbooks, in orientations and employee or staff trainings, and when offering employment;

reminder announcements of this policy at school and District events, as appropriate.

Program Evaluation

This smoking and tobacco-free policy shall be assessed by the District or its designated evaluator at regular intervals, but at least once a year, to determine whether policies, policy enforcement, communication,

education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

~~The School Board is committed to providing students, staff, and visitors with a tobacco-free environment, including on school grounds and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas). The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the responsibilities of teachers and staff to be positive role models for our students.~~

~~For purposes of this policy, "use of tobacco" shall mean:~~

~~to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes;~~

~~to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or;~~

~~to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.~~

~~Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.~~

Notification

~~"No Tobacco" signs will be posted through the District. Students will be provided notice of this policy through student handbooks, and notice that it is illegal under Federal law for any person, student or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase~~

~~(-) tobacco products on school property.~~

~~(-) anything defined as “use of tobacco” in this policy.~~

~~Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.~~

~~[] District vehicles will display the international “No Smoking” insignia.~~

~~[] Announcements will be made during home athletic events both before the event and during intermission, as well as at all school functions where deemed appropriate.~~

~~[] School programs will include a written reminder of the tobacco-free policy.~~

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Florida Department of Health and the Public Health Law Center's publication "Commerical Tobacco-Free K-12 School Model Policy: Questions and Answers"

Legal References

F.S. 381.84

F.S. 386.202

F.S. 386.204

F.S. 386.209

F.S. 386.212

20 U.S.C. 6081 et seq.

20 U.S.C. 7182

Redline Draft

3215 – SMOKING AND TOBACCO-FREE ENVIRONMENT

A. PURPOSE

1. The School Board of Brevard County, Florida recognizes that the use of commercial and/or other tobacco products, including electronic nicotine delivery systems/devices, is a health, safety, and environmental hazard for students, employees, parent/legal guardians, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school sponsored events.
2. The Board is acutely aware of the serious health risks associated with the use of tobacco products, including electronic nicotine delivery systems/devices, to users and non-users. The Board believes that the use, possession of, or promotion of commercial tobacco products, including electronic nicotine delivery systems/devices, on school grounds, and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas) is detrimental to the health and safety of students, employees, and visitors.
- ~~3. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, the Board recognizes that adult staff and visitors serve as role models for students. The Board 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 or aerosol and other tobacco use for the students, staff and visitors. providing a tobacco-free environment is consistent with the responsibilities of teachers and employees to be positive role models for our students.~~
- ~~3.~~
4. The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, employees, and visitors.
5. As tobacco products contain nicotine and other ingredients to increase their appeal, and as electronic smoking devices may contain nicotine or other natural synthetic addictive substances, procedures to address student violations of this policy will be applied in a direct and consistent manner, emphasizing the equitable and non-discriminatory use of supportive disciplinary practices that focus on recovery and reduction of tobacco product addiction and dependence.
6. The chemical composition of electronic smoking devices may be unknown without laboratory testing, thus all violations involving electronic smoking devices will be addressed by this policy unless other objective evidence (e.g., other drug paraphernalia is present or packaging includes images or language indicating the presence of THC) supports laboratory testing and the results from such laboratory testing indicate the violation should be addressed by district policies on the use of other drugs.
7. Smoking and other uses of tobacco products pose a significant contributor to overall health, medical issues, and death of known users of tobacco products. Thus, the purpose of this policy is to establish that the Board and the District maintains a smoking and tobacco-free environment and to provide for notification to the District employees, students, and the public.

B. APPLICABILITY OF POLICY

This policy applies to students, employees, volunteers, parent/legal guardians, spectators, and visitors while on District-owned property or District or school sponsored events or activities. Furthermore, the

Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, golf carts, and cars.

C. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

1. "At any time" means during normal school and non-school hours: 24 hours a day, seven days a week, 365 days a year.
2. "Electronic smoking device" means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product, vapor-generating electronic devices, "Electronic smoking device" includes but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. "Electronic smoking device" e-cigarettes (including, but not limited to, "JUULs"), also includes any component part of a product, whether or not marketed or sold separately, vaping products or supplies, including but not limited to vape-pods, e-liquids, e-juice, cartridges, or other vaping supplies.
3. "Imitation tobacco product" means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. "Imitation tobacco product" includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, and shredded beef jerky in containers resembling snuff tins.
4. "Tobacco product" means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: "Use of Tobacco" for the purpose of this policy is defined to include chewing or maintaining any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all use of tobacco or tobacco substitutes, including cigarettes, electronic smoking devices, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes.
- 4.5. "School property" means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.
- 5.6. "Off-campus" or "school-sponsored events" is defined as any event sponsored by the school or school district that is not on school property, including, but not limited to, sporting events, day camps, field trips, seminars, dances, or theatrical productions.

D. POLICY STATEMENT

1. Students are prohibited from possessing, using, consuming, displaying or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters, or matches at any time on school property or at any off-campus, school-sponsored event. No student, is permitted to use or have in possession and no employee, volunteer, vendor, contractor, or school visitor is permitted to use tobacco products of any kind, electronic cigarettes, or any other tobacco or smoking related product at any time in, on, or during the following:
- 4.2. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco related devices, imitation tobacco products, or lighters, or

matches at any time on school property or at any off campus, school sponsored events. This includes products or paraphernalia displaying tobacco industry brands. This policy applies to:

- a. any building, facility, and or any vehicle owned, leased, or rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors. the District;
- b. any school grounds and property, including all schools, district offices, athletic fields, practice fields, playgrounds, parking lot, administrative offices, maintenance, transportation areas, etc., owned, leased, rented, or chartered by the District; and/or
- c. at any off-campus, district, or school-sponsored event.

3. ~~It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.~~

4. It is a violation of this policy for any person to promote tobacco products on the school property or at off- campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

E. EXCEPTIONS

1. It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, ~~or lighters,~~ or matches to be included in an instructional or work-related activity school buildings if the activity is conducted by an employee or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.
2. It is allowable for employees or adult visitors to possess or use a product that has been approved by the U.S. Food and Drug Administration FDA for sale as a tobacco cessation, ~~or as a tobacco~~ dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

F. NOTIFICATION OF POLICY AND IMPLEMENTATION

"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through the Code of Student Conduct, and notice that it is illegal under Federal law for any person, student, or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase on school property tobacco products and/or anything defined ~~as "use of tobacco"~~ in this policy.

~~Law enforcement shall be contacted if any person under the age of eighteen (18) violates this policy.~~

~~Announcements will be made during home athletic events, as well as at all school functions where deemed appropriate.~~

~~School programs will include a written reminder of the tobacco free environment policy.~~

G. TOBACCO PROMOTION PROHIBITED

1. Tobacco advertising and promotion is prohibited on school grounds, in all school-sponsored publications, on District vehicles and buses, and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including but not limited to, clothing,

bags, lighters, matches and other tobacco articles are not permitted on school grounds, in school-sponsored publications, in school vehicles or at school-sponsored events.

2. It shall be a violation of this policy for the Board to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, 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 the tobacco industry while in the scope of employment for the District.

H. EDUCATIONAL AND CESSATION PROGRAMS

1. **Prevention Education for Students.** The principal or designee will consult with Student Services, Leading and Learning, and other appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The principal or designee will ensure that students in grades K-12 receive tobacco prevention education using sequential, age appropriate, current, accurate, evidenced-based curricula and a skills-based approach (involving students in active “hands on” learning experiences), at least once (1) per year. The curricula for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.
2. **Cessation Support Programs.** The principal or designee will consult with the District Employee Wellness and Student Services, the Brevard County Health Department, the American Cancer Society, the American Lung Association, and other appropriate health organizations to provide employees and students with information and access to support systems, tobacco use cessation programs, and services to encourage them to abstain from the use of tobacco products.

I. RESPONSIBILITY OF ADMINISTRATORS

It is the responsibility of District and School Administrators to:

1. Communicate this policy to students, employees, family members, volunteers, and visitors, ~~at school events,~~ through signage, and Code of Student Conduct.
2. Treat violators who are students or employees with disciplinary actions consistent with Board Policies.
3. Ensure that family members, volunteers, or visitors who violate this policy discontinue using the tobacco product or electronic cigarette or leave the premises. Law enforcement officers may be contacted to escort the violator off the premises or cite the violator for trespassing if the person refuses to leave the school property.
4. Include the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

J. ~~DISCIPLINARY ACTIONS FOR STUDENTS OR EMPLOYEES~~ Enforcement ~~NFORCENMENT~~

The success of this policy depends upon the thoughtfulness, consideration and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. -Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

1. ~~Students-~~

- a. Consequences for students engaging in the prohibited behavior will be provided in accordance with the Code of Student Conduct.
- b. Students who violate this policy may be referred to the school counselor, a school nurse, or other health or counseling services for health information, counseling, and referral for additional services or programs.
- c. Administration may offer violators an Alternative to Suspension (ATS) to include, but not limited to corrective strategies, such as referrals to local youth tobacco cessation programs and/or other services.
- d. Parents/Legal Guardians will be notified of all violations and actions taken by the school.

2. **Employees-**

- a. Consequences for employees who violate this policy will be in accordance with the District's employee policies or any applicable collective bargaining agreement.

K. PROGRAM EVALUATION

This smoking and tobacco-free policy shall be assessed by the school district or its designee evaluator at regular intervals, at least once every three (3) years, to determine whether policies, policy enforcement, communication, education, employee training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

Revised 12/9/03
 Technical 1/17/08
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F.S. 386.201
 F.S. 386.202
 F.S. 386.204
 F.S. 386.209
 F.S. 386.212
 F.S. 1001.41
 F.S. 1001.42
 F.S. 1001.43
 20 U.S.C. 6081 et seq.
 20 U.S.C. 7182

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**Clean
Version**

3215 – SMOKING AND TOBACCO-FREE ENVIRONMENT

A. PURPOSE

1. The School Board of Brevard County, Florida recognizes that the use of commercial and/or other tobacco products, including electronic nicotine delivery systems/devices, is a health, safety, and environmental hazard for students, employees, parent/legal guardians, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school sponsored events.
2. The Board is acutely aware of the serious health risks associated with the use of tobacco products, including electronic nicotine delivery systems/devices, to users and non-users. The Board believes that the use, possession of, or promotion of commercial tobacco products, including electronic nicotine delivery systems/devices, on school grounds, and in all facilities owned, leased, or contracted for by the Board (including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas) is detrimental to the health and safety of students, employees, and visitors.
3. The negative health effects of tobacco use for both users and nonusers, particularly in connection with secondhand smoke, are well established. Further, the Board recognizes that adult staff and visitors serve as role models for students. The Board 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 or aerosol and other tobacco use for the students, staff and visitors.
4. The Board also believes accepting gifts or materials from the tobacco industry will send an inconsistent message to students, employees, and visitors.
5. As tobacco products contain nicotine and other ingredients to increase their appeal, and as electronic smoking devices may contain nicotine or other natural synthetic addictive substances, procedures to address student violations of this policy will be applied in a direct and consistent manner, emphasizing the equitable and non-discriminatory use of supportive disciplinary practices that focus on recovery and reduction of tobacco product addiction and dependence.
6. The chemical composition of electronic smoking devices may be unknown without laboratory testing, thus all violations involving electronic smoking devices will be addressed by this policy unless other objective evidence (e.g., other drug paraphernalia is present or packaging includes images or language indicating the presence of THC) supports laboratory testing and the results from such laboratory testing indicate the violation should be addressed by district policies on the use of other drugs.
7. Smoking and other uses of tobacco products pose a significant contributor to overall health, medical issues, and death of known users of tobacco products. Thus, the purpose of this policy is to establish that the Board and the District maintains a smoking and tobacco-free environment and to provide for notification to the District employees, students, and the public.

B. APPLICABILITY OF POLICY

This policy applies to students, employees, volunteers, parent/legal guardians, spectators, and visitors while on District-owned property or District or school sponsored events or activities. Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, golf carts, and cars.

C. DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

1. *“At any time”* means during normal school and non-school hours: 24 hours a day, seven days a week, 365 days a year.
2. *“Electronic smoking device”* means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product “Electronic smoking device” includes but is not limited to, devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, or similar devices. “Electronic smoking device” also includes any component part of a product, whether or not marketed or sold separately, including but not limited to pods, e-liquids, e-juice, cartridges, or other vaping supplies.
3. *“Imitation tobacco product”* means any edible non-tobacco product designed to resemble a tobacco product, or any non-edible non-tobacco product designed to resemble a tobacco product and intended to be used by children as a toy. “Imitation tobacco product” includes, but is not limited to, candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, pouches containing flavored substances packaged similar to snuff, and shredded beef jerky in containers resembling snuff tins.
4. *“Tobacco product”* means any product containing, made, or derived from tobacco or that contains nicotine, whether synthetic or natural, that is intended for human consumption whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: electronic smoking devices, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes.
5. “School property” means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.
6. *“Off-campus”* or *“school-sponsored events”* is defined as any event sponsored by the school or school district that is not on school property, including, but not limited to, sporting events, day camps, field trips, seminars, dances, or theatrical productions.

D. POLICY STATEMENT

1. Students are prohibited from possessing, using, consuming, displaying or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, lighters, or matches at any time on school property or at any off-campus, school-sponsored event.
2. Administrators, staff, or visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco related devices, imitation tobacco products, lighters, or matches at any time on school property or at any off campus, school sponsored events. This includes products or paraphernalia displaying tobacco industry brands. This policy applies to:
 - a. any building, facility, and or any vehicle owned, leased, or rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.
 - b. any school grounds and property, including all schools, district offices, athletic fields, practice fields, playgrounds, parking lot, administrative offices, maintenance, transportation areas, etc., owned, leased, rented, or chartered by the District; and/or

c. at any off-campus, district, or school-sponsored event.

3. It is a violation of this policy for administrators or staff to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/or training facilities. It is also a violation of this policy to participate in any type of service funded by the tobacco industry while in the scope of employment for the Board.
4. It is a violation of this policy for any person to promote tobacco products on the school property or at off-campus, school-sponsored events via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material.

E. EXCEPTIONS

1. It shall not be a violation of this policy for tobacco products, tobacco-related devices, imitation tobacco products, lighters, or matches to be included in an instructional or work-related activity school buildings if the activity is conducted by an employee or an approved visitor and the activity does not include smoking, chewing, or otherwise ingesting the product.
2. It is allowable for employees or adult visitors to possess or use a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation, ~~or~~ as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

F. NOTIFICATION OF POLICY AND IMPLEMENTATION

"No Tobacco" signs will be posted throughout the District. Students will be provided notice of this policy through the Code of Student Conduct, and notice that it is illegal under Federal law for any person, student, or visitor, not of the age of twenty-one (21), to possess, purchase, or attempt to purchase on school property tobacco products and/or anything defined in this policy.

G. TOBACCO PROMOTION PROHIBITED

1. Tobacco advertising and promotion is prohibited on school grounds, in all school-sponsored publications, on District vehicles and buses, and at all school-sponsored events. Tobacco promotional items that promote the use of tobacco products, including but not limited to, clothing, bags, lighters, matches and other tobacco articles are not permitted on school grounds, in school-sponsored publications, in school vehicles or at school-sponsored events.
2. It shall be a violation of this policy for the Board to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry or from any tobacco products shop. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, 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 the tobacco industry while in the scope of employment for the District.

H. EDUCATIONAL AND CESSATION PROGRAMS

1. **Prevention Education for Students.** The principal or designee will consult with Student Services, Leading and Learning, and other appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The principal or designee will ensure that students in grades K-12 receive tobacco

prevention education using sequential, age appropriate, current, accurate, evidenced-based curricula and a skills-based approach (involving students in active “hands on” learning experiences), at least once (1) per year. The curricula for this instruction will not be paid for or developed by the tobacco industry or its subsidiaries.

2. **Cessation Support Programs.** The principal or designee will consult with the District Employee Wellness and Student Services, the Brevard County Health Department, the American Cancer Society, the American Lung Association, and other appropriate health organizations to provide employees and students with information and access to support systems, tobacco use cessation programs, and services to encourage them to abstain from the use of tobacco products.

I. RESPONSIBILITY OF ADMINISTRATORS

It is the responsibility of District and School Administrators to:

1. Communicate this policy to students, employees, family members, volunteers, and visitors through signage, and Code of Student Conduct.
2. Treat violators who are students or employees with disciplinary actions consistent with Board Policies.
3. Ensure that family members, volunteers, or visitors who violate this policy discontinue using the tobacco product or electronic cigarette or leave the premises. Law enforcement officers may be contacted to escort the violator off the premises or cite the violator for trespassing if the person refuses to leave the school property.
4. Include the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

J. ENFORCEMENT

The success of this policy depends upon the thoughtfulness, consideration and cooperation of the entire school community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and diplomacy. Any person acting in violation of this policy will be informed or reminded of the policy and asked to comply.

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