



Addressing Student Tobacco Use in Schools: Alternative Measures

School policies regulating the use and possession of tobacco products, including electronic nicotine delivery devices (e.g., e-cigarettes, vapes, JUUL), often contain punitive measures for student violations. This document provides information and sample language for *alternative penalties* to suspension and expulsion, which are often used to enforce a school commercial Tobacco-Free Policy.

School years are critical for the physical and educational development needed for success later in school and life. Research shows penalties like expulsion and suspension result in negative educational and life outcomes.ⁱ The U.S. Department of Education and U.S. Department of Justice recognize the connection “between exclusionary discipline policies and practices and an array of serious educational, economic, and social problems,” including increased likelihood of involvement with the criminal justice system, and noted that high rates of school suspensions are “related to lower school-wide academic achievement and standardized test scores.”ⁱⁱ Additionally, disparities exist in suspension and expulsion practices, which may violate state and federal civil and human rights laws.ⁱⁱⁱ The Minnesota Department of Education student discipline incident data show significant disparities in suspensions and expulsions in schools across the state for indigenous and black students, students of color, and students with disabilities.^{iv}

Overwhelming evidence shows from the 1950s to present, the tobacco industry intentionally and strategically studied and marketed commercial tobacco products to people under the age of 21 in order to recruit “replacement smokers” to stay in business.^v Recently, for example, e-cigarette manufacturers and sellers advertised youth-appealing flavors like candy, advertised heavily on social media, and offered college scholarships.^{vi} Students in Minnesota are susceptible to these calculated efforts by the tobacco industry and are becoming addicted to nicotine. Once addicted, it may be incredibly difficult for users, especially younger users, to quit. This often explains why addicted students continue to use these products in school despite policies prohibiting their use and possession.

Using suspension and expulsion to penalize prohibited commercial tobacco use may not be reasonable considering the targeted marketing, science of addiction, and long-term consequences associated with expulsion and suspension. School policies should attempt to address the underlying addiction to commercial tobacco in lieu of purely punitive measures, which may exacerbate the problem and not deter future use. While schools have an interest in prohibiting behavior that is disruptive and harmful to health, schools may consider weighing the severity of the infraction with the consequences and effectiveness of the punishment. According to the CDC, the most effective approaches to helping youth quit tobacco use are through counseling and education.^{vii} As such, schools seeking to avoid excessively punitive measures in their commercial Tobacco-Free Policy may consider the following alternative penalty language for students who violate the Policy:

Any student violations of this Policy shall result in the following measures:

1. The first violation shall result in confiscation of tobacco products, notification of parents and/or guardians, and at least one the following:
 - a. A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and school policy.

- b. Student participation in tobacco education program.
 - c. Offering student information about available cessation programs and resources.
2. The second violation shall result in confiscation of tobacco products, notification of parents and/or guardians, and offering the student information about available cessation programs, as well as at least one of the following:
 - a. A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
 - b. Student participation in a tobacco education program.
 3. The third and any subsequent violation shall result in confiscation of tobacco products, notification of parents and/or guardians, offering student information about available cessation programs, and student participation in a tobacco education program as well as at least one of the following:
 - a. A student meeting and individual student assessment with a chemical health educator or designated staff with parents and/or guardians to discuss commercial tobacco use and school policy.
 - b. Educational community service.

For more information and resources:

- **Quitting Resources for Youth and Adults**
www.health.mn.gov/quit
- **Stanford Medicine: Tobacco Prevention Toolkit:**
www.med.stanford.edu/tobaccopreventiontoolkit.html
- **CATCH My Breath: E-cigarette and JUUL Prevention Program**
www.catchinfo.org/cvshealth
- **More E-cigarette Resources for Schools and Parents**
www.health.mn.gov/ecigarettes

ⁱ Lamont, J. H., Devore, C. D., Allison, M., Ancona, R., Barnett, S. E., Gunther, R., et al & Young, T. (2013). Out-of-school suspension and expulsion. *Pediatrics*, 131(3), e1000-e1007. <http://www.ncsl.org/documents/fsl/aap-out-of-school-suspension-and-expulsion.pdf>.

ⁱⁱ Guiding Principles: A Resource for Improving School Climate and Discipline, U.S. Department of Education (2014).

ⁱⁱⁱ Dear Colleague Letter on the Nondiscriminatory Administration of School Discipline at 3-4, ED Office for Civil Rights and DOJ (2014). www.ed.gov/ocr/letters/colleague-201401-title-vi.pdf.

^{iv} "Education Discrimination: Suspension and Expulsion." MN Dept of Human Rights, <https://mn.gov/mdhr/news-community/partnerships/suspension-and-expulsion/>. Citing "Disciplinary Incident Report, Yr 2015-2016, <https://education.mn.gov/MDE/dse/datasub/DiscIncReport/>

^v The Verdict Is In, Public Health Law Center (2006). <https://www.publichealthlawcenter.org/sites/default/files/resources/tclc-verdict-youth.pdf>

^{vi} E-Cigarettes: Facts, Stats, and Regulations, Truth Initiative (2018). <https://truthinitiative.org/news/e-cigarettes-facts-stats-and-regulations>

^{vii} PHS Guideline Recommendations: How to Help Adolescents Quit Smoking, CDC (last accessed January 10, 2018). https://www.cdc.gov/tobacco/quit_smoking/cessation/pdfs/phs_adolescents_508.pdf.