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# Alternatives to Suspension for Commercial Tobacco Use in K-12 Settings

# MODERATORS

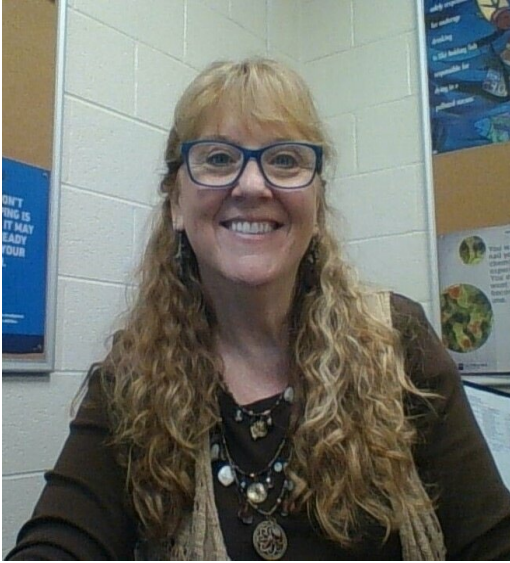


**Marisa Katz**



**Katie Stapleton**

# PANELISTS



**Kimberly Fields**

Lead Teacher, Substance Abuse  
Guilford County Schools  
North Carolina



**Jane Larson**

Clinical Social Worker  
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Substance Abuse Prevention Program  
Supervisor,  
Washington State Office of  
Superintendent of Public Instruction  
(OSPI)

# TODAY'S AGENDA

- **Overview of youth tobacco use and PHLC's model policy**
- **Panelist Presentations**
- **Panel Discussion**
- **Q&A**



# THE PUBLIC HEALTH LAW CENTER



# LEGAL TECHNICAL ASSISTANCE



Legal Research



Policy Development, Implementation, Defense



Publications



Trainings



Direct Representation



Lobby

# THE PUBLIC HEALTH LAW CENTER

**EQUALITY:**  
 Everyone gets the same – regardless if it's needed or right for them.



**EQUITY:**  
 Everyone gets what they need – understanding the barriers, circumstances, and conditions.



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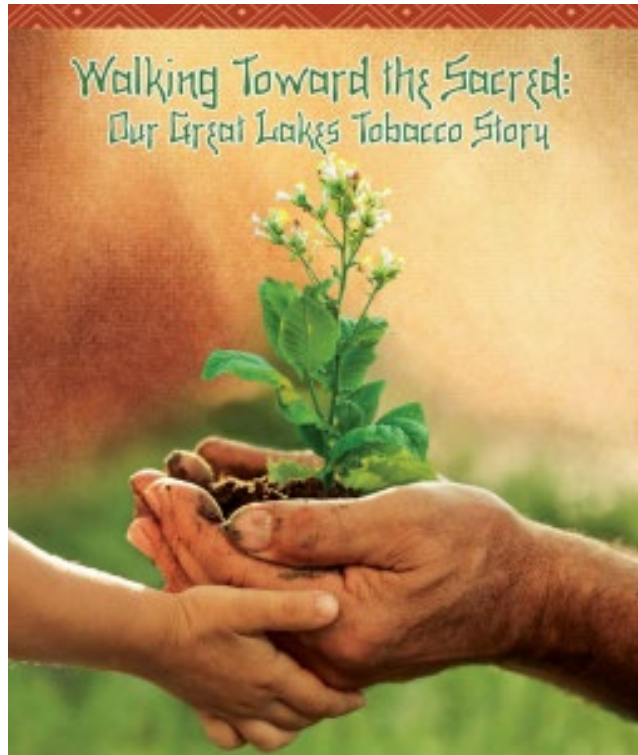


based on work for First Nations Health Authority at Gathering Wisdom VI Drawing CHANGE

Image credit: [Sam Bradd](#)



# COMMERCIAL TOBACCO IS NOT TRADITIONAL TOBACCO

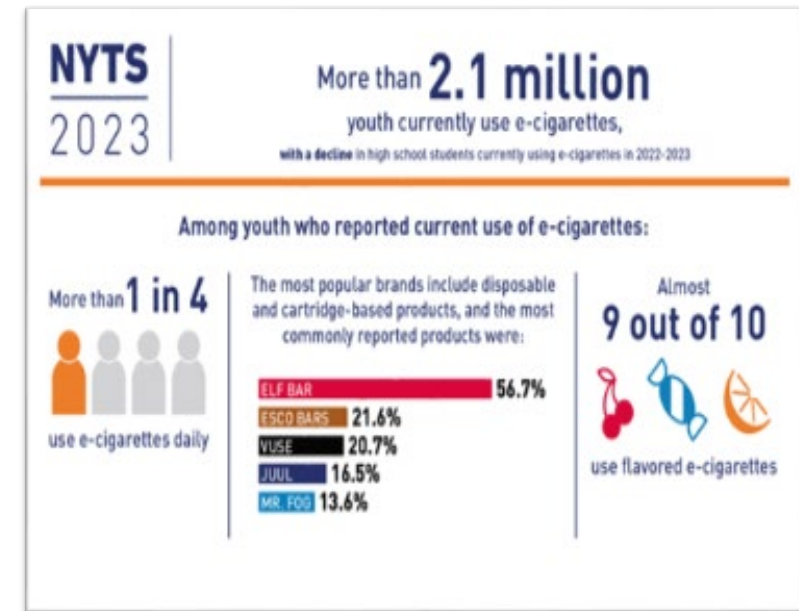
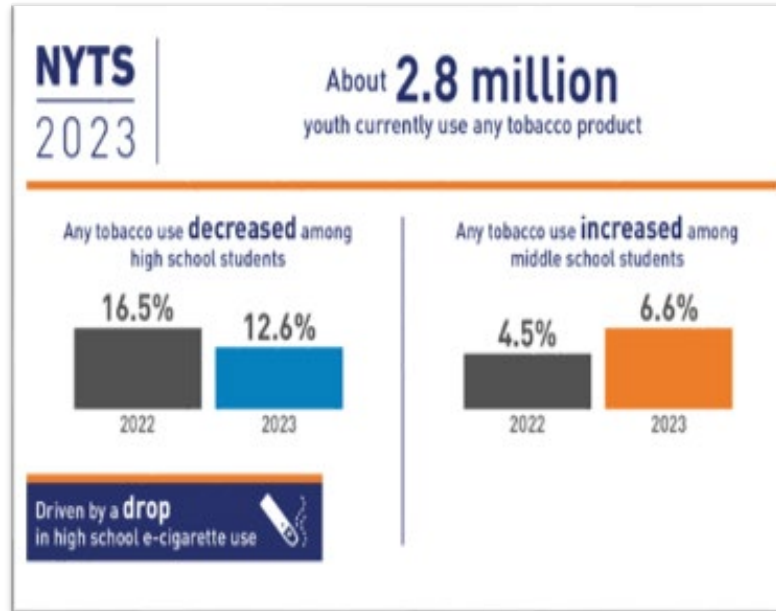
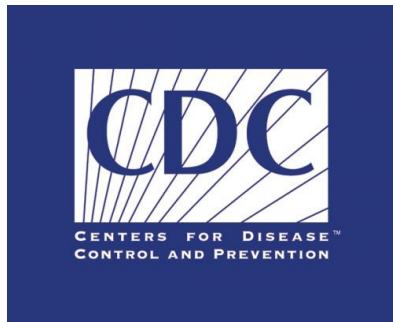


[Resource: Walking Toward the Sacred](#)



Top: Red Willow, Sacred Willow Publication.  
Bottom: *Nicotiana rustica*, Solanaceae, Mapacho, flower.  
Botanical Garden KIT, Karlsruhe, Germany. Wikimedia Commons.

# COMMERCIAL TOBACCO PRODUCT USE AMONG MIDDLE AND HIGH SCHOOL STUDENTS, 2023



Source: cdc.gov: [“Tobacco Product Use among Middle and High School Students — United States, 2023.”](#)

# FLAVORED E-CIGARETTE PRODUCTS NICOTINE CONTENT COMPARED TO CIGARETTES



Loon Air:  
6000 puffs (13 ml x 60 mg)  
**= 26 packs of cigarettes**



Loon Pluto: 2500+Puffs  
(6 ml x 50 mg)  
**= 10 packs of cigarettes**



Loon Juice Box:  
4000+Puffs (14 ml x 50 mg)  
**= 23 packs of cigarettes**

# WHAT CAN SCHOOLS DO?

## Know the Health Risks

### SMOKING NICOTINE IS LINKED TO:



CANCER



LUNG DISEASES  
& EMPHYSEMA



HEART ATTACKS &  
VASCULAR DISEASES



ANEURYSMS

*E-cigarette users, including young adults, displayed worrisome changes in cardiovascular function and performed significantly worse on exercise stress testing than people who did not use any nicotine products.*

2022 preliminary study, University of Wisconsin School of Medicine

Image Credit: [www.confirmbiosciences.com](http://www.confirmbiosciences.com)

# PUNITIVE MEASURES DISCOUNT INDUSTRY TARGETING

- \$9.5 billion/year spent on marketing, vast majority in the retail environment.
- 90% of youth report exposure to cigarette, 80% to e-cigarette ads.



# MODEL FOR K-12 SCHOOLS: COMMERCIAL TOBACCO-FREE POLICY



TOBACCO-FREE  
SCHOOLS



## COMMERCIAL TOBACCO-FREE K-12 SCHOOL MODEL POLICY

### Questions & Answers



The use or promotion of commercial tobacco products<sup>1</sup> on school grounds and at off-campus school-sponsored events is detrimental to the health and safety of students, staff, and visitors.

Under federal law, smoking is prohibited in any kindergarten, elementary, or secondary school or library serving children under the age of 18 years if federal funds are used in the school.<sup>2</sup> Many states also have laws that restrict commercial tobacco use, including electronic cigarettes, in public K-12 schools.<sup>3</sup> However, federal law and many state laws do not cover outdoor school grounds.



[www.publichealthlawcenter.org](http://www.publichealthlawcenter.org)

[Commercial-Tobacco-Free-K-12-School-Model-Policy-Q-and-A-2019.pdf](#)



TOBACCO-FREE  
SCHOOLS



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[Commercial-Tobacco-Free-K-12-School-Model-Policy-2019.pdf](#)



TOBACCO-FREE  
SCHOOLS



## STUDENT COMMERCIAL TOBACCO USE IN SCHOOLS

### Alternative Measures



School policies regulating the use and possession of commercial tobacco products, including electronic delivery devices (e.g., e-cigarettes, vaping devices, JUUL, Suorin), often contain punitive measures for student violations.

This publication provides sample language and ideas for evidence-based solutions and information as to why these alternative measures may be more effective than suspension and expulsion at addressing student tobacco use and nicotine addiction as part of a school's Commercial Tobacco-Free Policy.



The sample language for alternative measures in this publication is part of the Public Health Law Center's comprehensive [Commercial Tobacco-Free K-12 School Model Policy](#).

6/18/2024

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# KEY COMPONENTS OF THE MODEL: ENFORCEMENT EXCLUSIONARY PRACTICES ARE NOT INCLUDED

## VII. Enforcement

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the whole [ district/school name ] community. All individuals on school premises, including students, staff, administrators, and visitors are responsible for adhering to and enforcing this policy. Members of the [ district/school name ] 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.

### (A) Students

- (1) The first violation shall result in confiscation of tobacco products, tobacco-related devices, imitation tobacco products, or lighters; notification of parents and/or guardians; and at least one of the following:
  - (i) A student meeting and individual student assessment with a chemical health educator or designated staff to discuss commercial tobacco use and the school policy.
  - (ii) Student participation in a tobacco education program.
  - (iii) Provision of information to student about available cessation programs and resources.
- (2) The second violation shall result in confiscation of tobacco products, tobacco-

# KEY COMPONENTS OF THE MODEL ENFORCEMENT

## Required

- Confiscation
- Notification to parents/guardians
- Student chemical health assessment

## Options for:

- Tobacco education program
- Cessation and counseling
- Educational community service

## VII. Enforcement

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# KEY COMPONENTS OF THE MODEL CESSATION & SUPPORT

- Local partnerships
- Evidence-based programs
- Cessation, peer, community support as a part of enforcement

## Tobacco Dependence Treatment Resources for Youth

### QUITPLAN SERVICES

Free quitting services available to all Minnesotans. QUITPLAN Services offers a variety of options to help people quit:

- QUITPLAN Helpline (telephone counseling) - All ages
- Printed Quit Guide - All ages
- Email program - Age 13 or older
- Use of quitplan.com - Intended for those aged 14 and above
- Text program - Age 18 or older
- Nicotine replacement therapy - Age 18 or older

To register online at [www.quitplan.com](http://www.quitplan.com), users must be at least 13 years old. Anyone can call 888-354-PLAN (7526) to register at any time.

### TEEN.SMOKEFREE.GOV

Smokefree Teen helps teens stop using tobacco by providing information grounded in scientific evidence and offering free tools that meet teens where they are - on their mobile phones.

- Text messaging program
- quitSTART mobile app
- LiveHelp online chat

### HEALTH PLANS

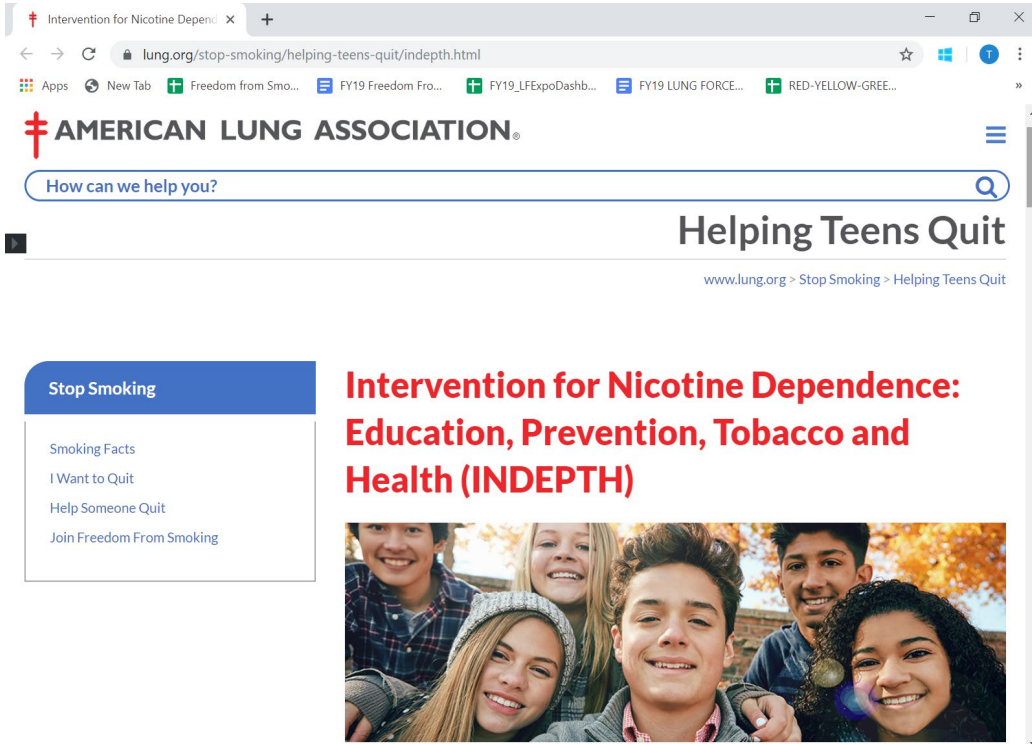
- Call the number on the back of your insurance card to see what is available
- Each health plan will have their own options, youth and parents should check with their health plan

### TEXTING PROGRAMS

- BECOMEANEX.ORG
- Text QUIT to 202-804-9884
- Teens 13-18 who vape receive text message-only support
- THISISQUITTING.COM
- Text QUIT to 706-222-QUIT
- Free This is Quitting App available

**AMERICAN LUNG ASSOCIATION** | LUNG.org | 1-800-LUNGUSA

# KEY COMPONENTS OF THE MODEL CESSATION & SUPPORT



- Policy Guidance
- The Vape Talk
- E-Cigarette One-pagers
- Pilot Summary and Infographic
- Facilitator Training
- Registration/Survey
- Not On Tobacco Program Information

# SCHOOL DISTRICT INVESTMENT IN VAPE DETECTION DEVICES

- **Effectiveness of devices remain unclear.**
- **Contributes to culture of surveillance**



Credit: The Californian, <https://www.thecalifornianpaper.com/2019/12/school-installs-vape-detectors/>

# HOW TO SPEND SCHOOL FUNDS CHAMPION OUR CHILDREN, TARGET COMMERCIAL TOBACCO



Addressing the youth vaping crisis requires a multifaceted approach that combines education, prevention, and treatment. Allocating litigation settlement and other funds strategically is one way to address the problem. Here are some suggestions on how Juul settlement funds and other funds could be allocated and strategically used to help address this problem:

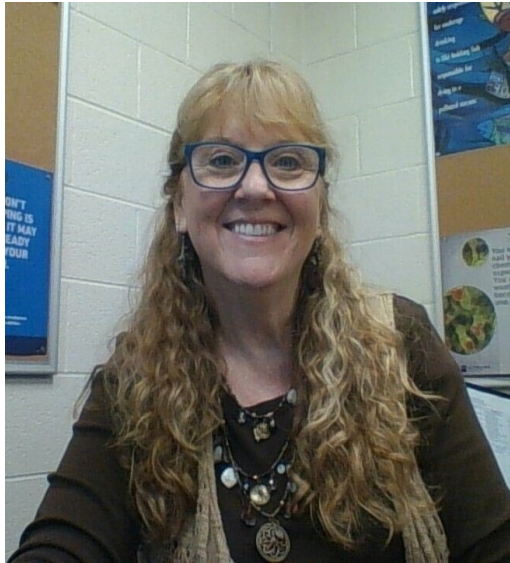
1. **Education and Prevention Programs:** Develop and implement comprehensive education campaigns for teenagers, parents, and educators. These campaigns should raise awareness about the risks and consequences of vaping, debunk myths about their harmlessness, and promote healthy alternatives. Programs can include presentations, workshops, and peer-led activities to discourage vaping and provide support for those struggling with addiction. Engaging social media platforms, schools, and community organizations can be effective in reaching the desired audience.
2. **Treatment and Cessation Programs:** Provide evidence-based cessation programs that are both culturally tailored and appropriate for youth. Support existing initiatives that provide counseling, support groups, and nicotine replacement therapies to help youth quit vaping.
3. **Supportive School Disciplinary Practices:** Support alternatives to punitive, exclusionary penalties like suspension from school and school activities. Such exclusionary approaches contribute to negative educational and life outcomes and undermine school goals for supporting healthy student development. Many schools currently lack the staff and training to effectively implement alternatives to exclusionary penalties, so a good use of newly acquired funds would be to implement training on safe and healthy alternatives to suspension.
4. **Regulation:** Implement evidence-based policies to restrict access to vaping products for teenagers. This includes enforcing age verification

[How to Spend Juul Settlement Funds: Champion Our Children, Target Commercial Tobacco | Public Health Law Center](#)

## **PUBLIC HEALTH LAW CENTER RESOURCES:**

- [Commercial Tobacco-Free K-12 School Model Policy: Questions & Answers](#)
- [Commercial Tobacco-Free K-12 School Model Policy](#)
- [Student Commercial Tobacco Use in Schools Alternative Measures \(2019\)](#)
- [Disposing of E-Cigarette Waste: FAQ for Schools and Others \(2019\)](#)
- [Focusing on Equity and Inclusion When We Work on Public Health Laws \(2018\)](#)

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# Alternatives to Suspension for Commercial Tobacco Use in K-12 Settings



Kimberly Fields, Substance Abuse Lead Teacher  
fieldsk2@gcsnc.com

WHITNEY OAKLEY, ED.D. | SUPERINTENDENT

# Addressing Substance Misuse in a School Setting

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# EARLY INTERVENTION/ ALTERNATIVE TO SUSPENSION

# Alternative to Suspension (Rule I-10 & I-11)

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## MS Tobacco/Vaping Education Class

- Contract with a community partner to provide the classes
- Evening class
- Live, remote format
- *Our Healthy Futures* curriculum
- Focus on the dangers of vaping and tobacco & making healthier decisions
- Coordinated by Substance Abuse Lead

# Alternative to Suspension (Rule I-10 & I-11)

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## HS Tobacco/Vaping Education Class

- School-based online program
- EVERFI's Vaping: know the Truth
- Implementation includes a point person at each high school
- Students who are motivated to quit are referred for further services
- Monitored and supported by SA Lead
- Technical support and training provided by EVERFI
- 24-25 changing to *My Healthy Futures*

# Alternative to Suspension for Alcohol & Other Drugs

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ASAP (Grades 5-8) Provides academic services and substance use intervention. Students attend while suspended and are counted as ISS.

Lifestyles (Grades 9-12) Students attend with parent through a live, virtual format in the evening



# PREVENTION

# Prevention

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## School:

- Consistent messaging
- School-wide campaigns
- Peer-led /student voice
- Interventions for behavior
- Resources for help
- Parents

## District:

- Resources
- Programming
- Training
- Consultation

# GCS Vaping Prevention Toolkit

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- [Curricula and Lesson Plans](#)
- [School-Wide Prevention Resources](#)
- [Resources for Families](#)
- [Cessation Programs for Youth Who want to Quit](#)



# REFERRAL



# Referral for Students Needing a More intensive Level of Intervention

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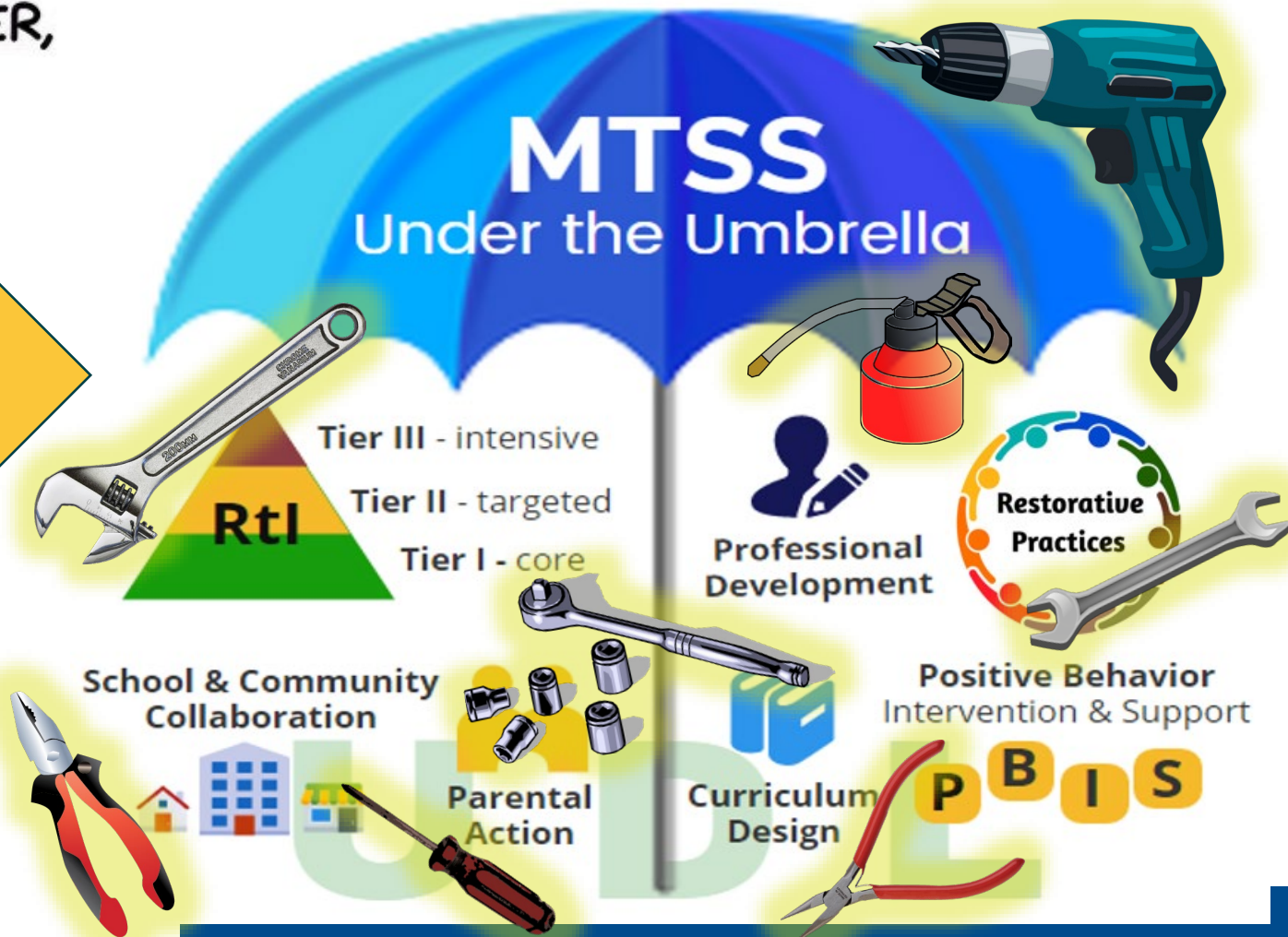
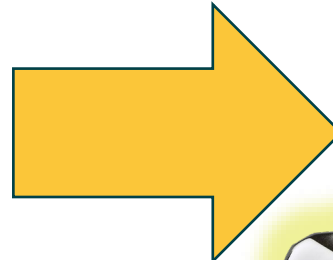
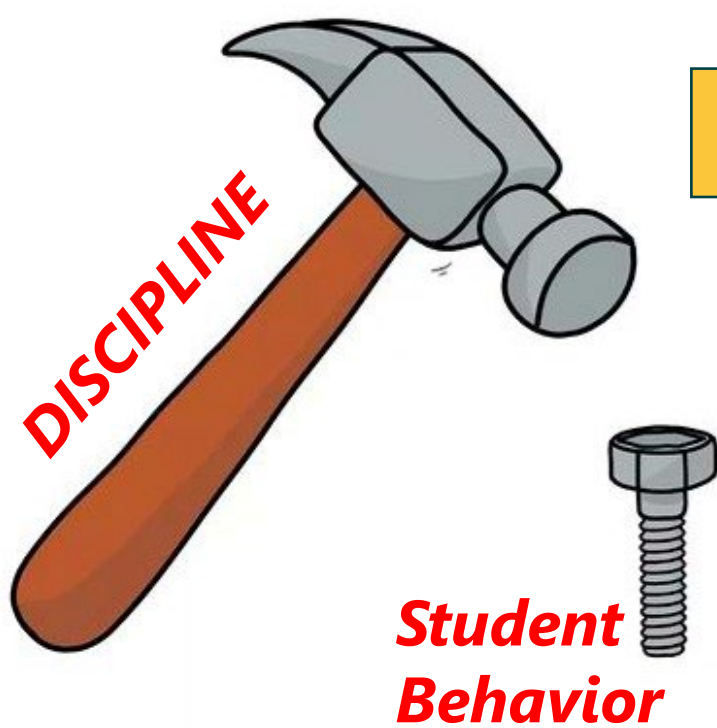
- Cessation Resources
- School-Based Mental Health
- Community Based Mental Health

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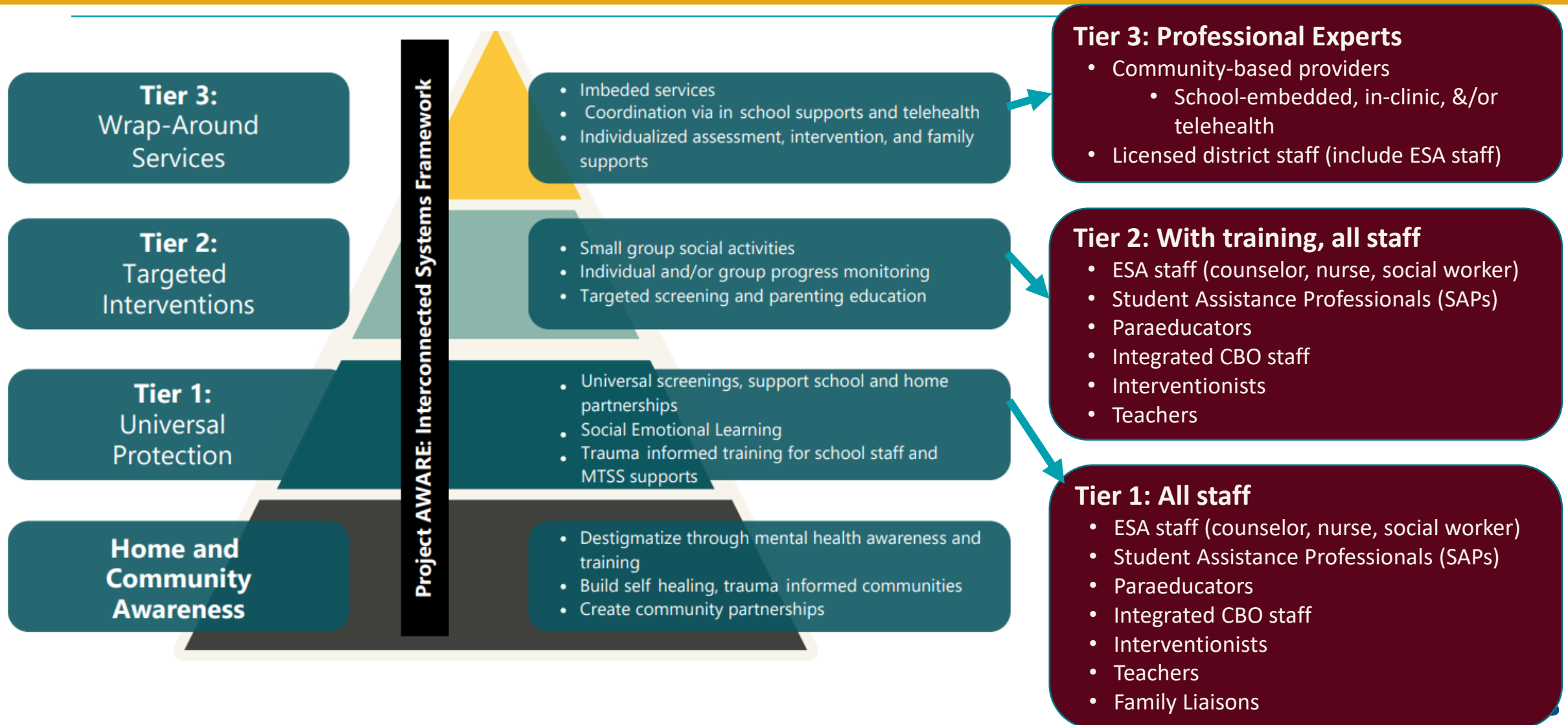
Kimberly Fields, LCAS  
Substance Abuse Lead Teacher  
Mental Health Department  
Guilford County Schools  
[fieldsk2@gcsnc.com](mailto:fieldsk2@gcsnc.com)  
(336)621-4044  
[GCS Drug Free Schools](#)

# Other Forms of Discipline

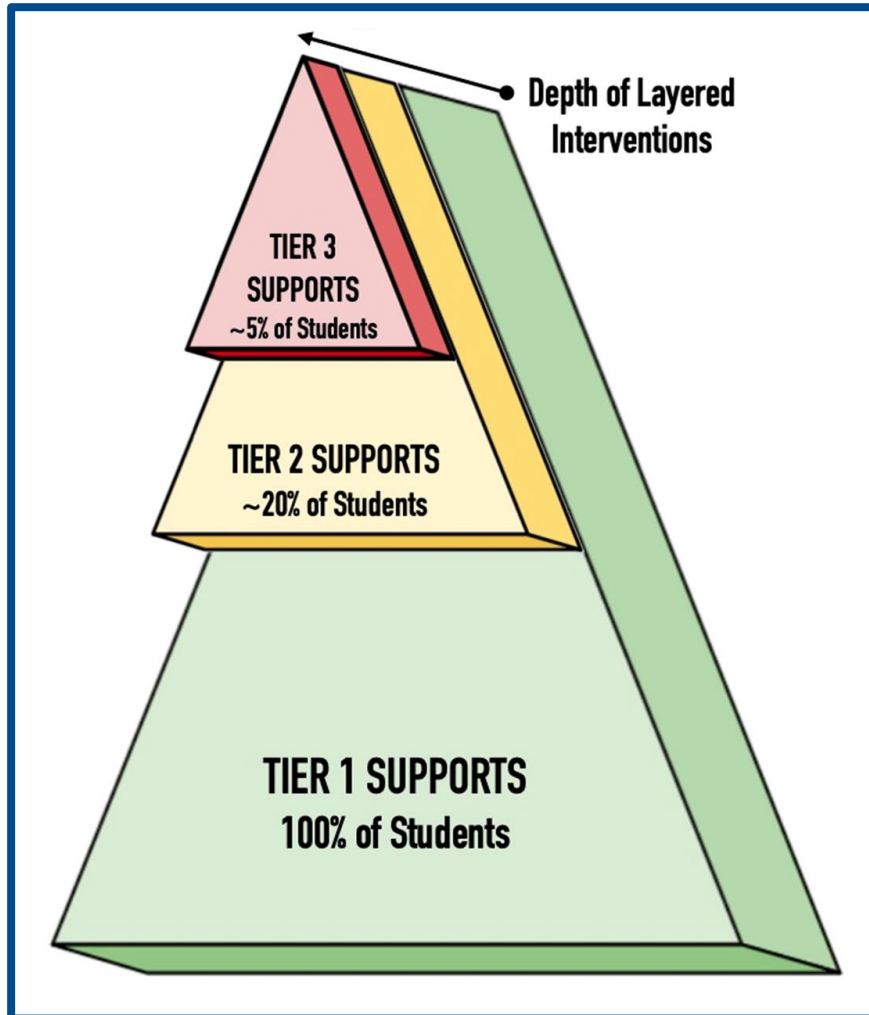
“IF THE ONLY TOOL YOU HAVE IS A HAMMER, IT IS TEMPTING TO TREAT EVERYTHING AS IF IT WERE A NAIL”



# Providing Supports in a Tiered Framework



# Providing Integrated Supports in a Tiered Framework



**Tier 3** Intensive and Individualized Support  
*5% of Student Population*

**Tier 2** Targeted and Small Group  
*15% - 20% of Student Population*

**Tier 1** Universal Support for ALL Students  
*100% of Student Population*

Each layer of support is  
stacked upon the  
previous.

# Substance Use Intervention Resources




## American Lung Association's Comprehensive Approach to Ending the Youth Vaping Epidemic Model



Washington Office of Superintendent of PUBLIC INSTRUCTION

### Youth Behavioral Health

Resources for Students & Families



#### Facts & Data

According to Healthy Youth Survey (HYS) results from 2021, 20% of Washington 12th grade students reported drinking alcohol in the month prior. Of those students, only 5% drink alcohol if their parents/caregivers or friends think it's wrong.

Of Washington 12th grade students, 34% have used marijuana at least once and 73% believe there's no or low risk from trying marijuana once or twice, according to 2021 HYS results.

Vapor products are the most common nicotine product used by youth. In 2021, 15% of Washington 12th grade students reported on the HYS that they had used vapor products in the month prior. Among those, 69% reported that the vapor product they used had nicotine in it.

Washington state had a 21% increase in fentanyl deaths from February 2022 to February 2023 – the biggest increase in the nation. According to the U.S. Drug Enforcement Administration (DEA), 6 out of 10 fentanyl-laced pills contain a potentially lethal dose.

#### Action Items

- Make it difficult for youth to access alcohol or substances. Store alcohol and substances in secure locations and use lock boxes for prescriptions.
- If you smoke or use vapor products, avoid doing so around children and consider trying to quit.
- Help your child create an "exit plan" in case they are offered alcohol or substances.
- Be aware of the signs of alcohol and substance use. These signs include mood changes, trouble concentrating, changes in school attendance, changes in friendships, bloodshot eyes, and changes in appetite, weight, and sleep patterns.
- Have frequent conversations about alcohol and/or substance use and make it clear that you do not think it's okay to use alcohol or substances.
- Support resilience in children and teens. We build resilience by learning to be flexible and adapt to change, having strong connections and relationships with others, and feeling a sense of purpose and hope for the future.
- Talk to the caregivers of your child's friends about access to alcohol and substances.
- Contact the Substance Abuse and Mental Health Services Administration's (SAMHSA) National Helpline to get information and referrals for treatment: (800) 662-4357. The service is free, confidential, and available 24/7.

#### Conversation Starters

- What does being healthy mean to you? What does it feel like to be healthy?
- What do you know about alcohol, nicotine, marijuana, and other substances?
- Why do you think some people use alcohol or substances?
- I have heard some other caregivers talk about a few situations of kids experimenting with drugs and alcohol. Have your friends been talking about that at all?
- What would you say to a friend who offered you alcohol or any other substance?
- I have noticed a change in your behavior. Can you tell me more about what's happening? How are you feeling?
- Do you feel like you want to talk to someone else about your problem?

#### Additional Resources

- **5 Conversation Goals:** SAMHSA provides information about how to start talking to your children about alcohol and substances.
- **Parent & Caregiver Resources:** This SAMHSA webpage includes fact sheets and brochures about alcohol, marijuana, opioids, and vaping.
- **Know the Risks:** This website, operated by the U.S. Department of Health and Human Services, presents facts about the risks of using e-cigarettes and resources for prevention.
- **Underage Drinking:** The Centers for Disease Control and Prevention (CDC) provides statistics about underage drinking and information about the dangers of underage drinking.
- **Early Warning Signs of Teen Substance Use:** This resource from the Hazelden Betty Ford Foundation details the behavioral and physical signs that could indicate a teen is using substances.
- **One Pill Can Kill:** The DEA provides facts and resources about fentanyl.





### Behavioral Health System Navigation Resources

The ESDs provide increased access to behavioral health services and supports for students and families in their regions.



## The 101 on e-Cigarettes