

SECTION 8: COMPLIANCE AND ENFORCEMENT

WHY ARE COMPLIANCE AND ENFORCEMENT IMPORTANT?

☐ Policies need to be enforced in order to be effective.

- To help ensure this, the New Mexico Administrative Code ruling 6.12.4 requires each school district and state-chartered charter school to “establish adequate provisions for its enforcement, including the enumeration of possible sanctions or disciplinary action, consistent with applicable statutory and case law.” But it is up to each school or district to determine its specific discipline procedures for students, staff, and visitors

☐ Enforcement of school tobacco-free policies makes a positive impact on reducing student tobacco and nicotine use.

☐ Adults can demonstrate role model behavior for students by complying with the policies.

HOW TO ENFORCE YOUR TOBACCO-FREE POLICY

☐ RECORD YOUR ENFORCEMENT PROCEDURES AND BE SPECIFIC

- As with all school policies, it is important to establish written enforcement procedures that are fair, clear, and consistently implemented. Policy specificity helps avoid loopholes that can be exploited if messaging is vague. Procedures need to be developed for all potential violators: students, staff and visitors. Many schools find that developing a written checklist outlining these procedures facilitates consistent implementation.

☐ PREPARE PROGRESSIVE AND SUPPORTIVE DISCIPLINE OPTIONS FOR STUDENTS

- School administrators are required to develop progressive and supportive discipline procedures for students that emphasize education and restorative consequences as opposed to suspension or expulsion. The main purpose of consequences for violations is for students and others to learn from their mistakes and make better decisions in the future. Through required educational interventions, voluntary cessation support, and parent communication, students can be supported to honor the policy and make positive changes in their tobacco and nicotine use.

☐ ENSURE THAT ALL STAFF MEMBERS COMPLY WITH THE POLICY AND ENFORCE THE RULES

- All school personnel are required to comply with and enforce the tobacco-free school policy. This includes food service workers and custodial staff as well as security, teachers, and administrators. The main role for most school staff is to refer students who are suspected of violating the policy to appropriate personnel. Some staff may believe that either ignoring violations or warning students and fellow staff to stop using tobacco or nicotine is better than making a referral. Unfortunately, this leads to inconsistency and unfairness, and undermines a culture of respect and safety.

☐ DESIGNATE A TEAM TO OVERSEE IMPLEMENTATION

- The direct implementation of the policy and procedures should be designated to a team, typically members of the administration at the school site. This team should immediately confiscate the tobacco or nicotine product and related paraphernalia from the student who has violated the policy in addition to assigning and tracking consequences. Other members that can be involved in this team could be counselors or nurses.

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PROGRESSIVE AND SUPPORTIVE DISCIPLINE FOR STUDENTS

Progressive discipline involves procedures that start with less punitive consequences and become more punitive with each violation during a school year. Supportive measures involve education and referral to cessation resources to accompany disciplinary consequences. Tobacco and nicotine use is often more than a disciplinary issue; in many cases, it is also an addiction issue.

Note that a verbal warning is not listed for students because every student violation of the tobacco-free policy should be referred for disciplinary action. Additionally, the response to all violations should include a search for tobacco products, e-cigarettes, and related materials, followed by immediate confiscation of those products and related equipment.

Below are recommended enforcement protocols.

FIRST OFFENSE:

- Notification of parent/guardian by telephone or written communication
- Conference with student
- Educational session with school nurse or counselor or school-based health center staff (group or individual), including referral to cessation services

SECOND OFFENSE:

- Immediate removal for remainder of school day (required pick up by parent/guardian)
- Conference with student and parent
- Individual counseling session with school nurse or counselor, including referral to cessation services and No Use at School Plan

THIRD OFFENSE OR MORE:

- In-school suspension or out-of-school suspension (1-3 days)
- Counseling session with school nurse or counselor, including mandatory referral to cessation services
- Required school or community service