

Book - Policy Manual

Section - 200 Pupils

Title - Tobacco Usage

Code - 222

Status - Active

Adopted - August 12, 2008

Last Revised - January 22, 2019

Purpose

The Board recognizes that tobacco use by students presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

Definition

For purposes of this policy, tobacco use shall be defined as use and/or possession of tobacco or tobacco-related items/devices including but are not limited to: a lighted or unlighted cigarette, electronic cigarettes and/or smoking devices, cigar, pipe, other smoking product or material, smokeless tobacco in any form, and/or tobacco-related items/devices.

For the purposes of this policy, electronic cigarettes are defined as any oral device or products that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the uses or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vaporizers, or under any other product name or descriptor.

For the purpose of this policy, tobacco-related items/devices shall mean cigarettes, cigars, papers, lighters, pipes, hookahs, electronic cigarettes, including any components parts, or accessories or electronic cigarettes, including cartridges, and any instrument used for inhaling tobacco smoke, and/or any item that contains nicotine.

For the purpose of this policy, tobacco means any substance, material or product containing, made, or derived from tobacco or nicotine that is intended or used for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of tobacco, and any other kinds and forms of tobacco.

Authority

The Board prohibits possession, use or sale of tobacco, by students at any time in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[2][1][3]

The Board prohibits possession, use or sale of tobacco by students at school-sponsored activities that are held off school property.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[4][5][6][7][8][9]

The Board prohibits student/staff possession of any form of medical marijuana at any time in a school building; on school busses or other vehicles that are owned, leased, or controlled by the school district; on property owned, lease or controlled by the school district; or at a school sponsored activities that are held off school property.

Delegation of Responsibility

The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's tobacco policy by publishing such policy in the student handbook, parent newsletters, posted notices, district website and other efficient methods.

The Superintendent or designee shall develop administrative regulations to implement this policy.

Guidelines

The Superintendent or designee may report incidents of possession, use or sale of tobacco by students on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.[10][11][12][13][9]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[12][14][9]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by students to the Office for Safe Schools on the required form.[11][9]

A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.[15]

Tampering with devices installed to detect use of tobacco or other vaping products shall be deemed a violation of this policy and subject to disciplinary action.

Legal

1. 35 P.S. 1223.5

2. 18 Pa. C.S.A. 6305

3. 20 U.S.C. 7183

4. 22 PA Code 10.23

5. 20 U.S.C. 1400 et seq

6. Pol. 103.1

7. Pol. 113.1

8. Pol. 113.2

9. Pol. 805.1

10. 24 P.S. 1302.1-A

11. 24 P.S. 1303-A

12. 22 PA Code 10.2

13. 22 PA Code 10.22

14. 22 PA Code 10.25

15. 18 Pa. C.S.A. 6306.1

24 P.S. 510

22 PA Code 403.1

20 U.S.C. 7114

20 U.S.C. 7181 et seq

34 CFR Part 300

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