



Book	Policy Manual
Section	200 Pupils
Title	Tobacco/Nicotine
Code	222 Vol V 2018
Status	Active
Adopted	September 30, 2019

Purpose

The Board recognizes that tobacco, **nicotine and nicotine delivery products** present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

Definitions

For purposes of this policy, **tobacco** includes a lighted or unlighted cigarette, cigar, **cigarillo, little cigar**, pipe or other smoking product or material and smokeless tobacco in any form **including chewing tobacco, snuff, dip or dissolvable tobacco pieces**.^[1]

For purposes of this policy, nicotine shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.

For purposes of this policy, a nicotine delivery product shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

Authority

The Board prohibits possession, use or sale of tobacco, **nicotine and nicotine delivery products** 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.^{[1][2][3]}

The Board **also** prohibits possession, use or sale of tobacco, **nicotine and nicotine delivery products** 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]}

Delegation of Responsibility

The Superintendent or designee shall notify students, parents/guardians and staff about the **Board's tobacco/nicotine** policy by publishing **information** in student handbooks, parental newsletters, **posters**, and **by** other efficient methods, **such as posted notices, signs and on the district website.**^[1]

{X} Code of Student Conduct

{X} district newsletter

Guidelines

Reporting

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco, **nicotine or nicotine delivery products** 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.^{[9][10][11]}

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, **nicotine and nicotine delivery products** by students to the Office for Safe Schools on the required form.^{[9][12]}

Additional Provisions - Tobacco Only

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 **school police, school resource officer (SRO) or 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.^{[9][10][12][13][14]}

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 **by the court** to alternative adjudication in lieu of imposition of a fine.^[15]

Legal

1. 35 P.S. 1223.5
2. 18 Pa. C.S.A. 6305
3. 20 U.S.C. 7183
4. 20 U.S.C. 1400 et seq
5. 22 PA Code 10.23
6. Pol. 103.1
7. Pol. 113.1
8. Pol. 113.2
9. Pol. 805.1
10. 22 PA Code 10.2
11. 22 PA Code 10.25
12. 24 P.S. 1303-A
13. 22 PA Code 10.22
14. 24 P.S. 1302.1-A
15. 18 Pa. C.S.A. 6306.1
- 24 P.S. 510
- 20 U.S.C. 7114
- 20 U.S.C. 7118
- 20 U.S.C. 7181 et seq
- 34 CFR Part 300