

# Policy Guide



Policy No. 823

Section OPERATIONS

Title USE OF TOBACCO AND VAPOR PRODUCTS

Adopted AUGUST 21, 1989

Revised AUGUST 15, 2017;  
APRIL 18, 2013;  
MARCH 19, 2001

<b>POLICY NO. 823 USE OF TOBACCO AND VAPOR PRODUCTS</b>	
<b>Section 1</b>	<p><b><u>Purpose</u></b></p> <p>The Board recognizes that tobacco and vapor products, that may or may not contain nicotine, present a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.</p>
<b>Section 2</b>	<p><b><u>Definitions</u></b></p> <p>Tobacco Use – The use and/or possession of a lighted or unlighted cigarette, cigar, pipe; other lighted or unlighted smoking product or material; chewing tobacco and all forms of smokeless tobacco; nicotine patches or chewing gum; and any oil or liquid/solid substance that produces the same physical manifestations that tobacco/smokeless tobacco/nicotine produces; as well as look-alike items/devices</p> <p>Vapor Product – The use and/or possession of an atomizer or other device that vaporizes a flavored solution that may or may not contain nicotine. Such products include, but are not limited to, electronic cigarettes or e-cigarettes, personal vaporizers, and electronic nicotine delivery systems (ENDS).</p> <p>Tobacco Advertising or Promotion – Clothing, bags, hats or other items that include tobacco/vapor product company names or logos.</p>

18 Pa. C.S.A. Sec. 6306.1  
 35 P.S. Sec. 1223.5

<b>POLICY NO. 823 USE OF TOBACCO AND VAPOR PRODUCTS</b>		
	<p>School Grounds – Property surrounding buildings and structures, athletic grounds, parking lots, or any other outdoor property owned, leased or contracted by the District.</p> <p>School Property – Any building, structure or vehicle owned, leased or contracted by the District.</p>	
<b>Section 3</b>	<p><b><u>Authority</u></b></p> <p>The Board prohibits the use and/or promotion of tobacco and vapor products by students, staff and visitors in school buildings, on property owned by, leased by or under the control of the District, and on buses, vans or other vehicles owned by, leased by, or under control of the District.</p>	<p>18 Pa. C.S.A. Sec. 6305 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183</p>
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p> <p><b><u>Students</u></b></p> <p>The Board prohibits possession, use, sale and/or promotion of tobacco and vapor products by students at any time in a school building, on any property, buses, vans and vehicles that are owned, leased or controlled by the District, at school-sponsored activities that are held on or off school property, or while representing the school as a member of any team, group, etc., or class.</p> <p>A student shall be subject to discipline under the district's Code of Conduct or prosecution as permitted by law, and students may be referred to law enforcement authorities by the district for prosecution. If convicted of a summary offense, s/he may be fined.</p> <p>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 of the incident and whether the school district police will issue a summary violation. The Superintendent or designee shall document attempts made to reach the parent/guardian.</p>	<p>18 Pa. C.S.A. Sec. 6305 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183</p> <p>Pol. 218 18 Pa. C.S.A. Sec. 6306.1</p> <p>Title 22 Sec. 10.2, 10.25 Pol. 825</p>

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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

Title 22 Sec. 10.23  
20 U.S.C. Sec.  
1400 et seq.  
Pol. 103.1, 113.1,  
113.2, 825

Staff

The Board prohibits possession, use, sale and/or promotion of tobacco and vapor products by district staff at any time in a school building, on any property, buses, vans and vehicles that are owned, leased or controlled by the District, at school-sponsored activities that are held on or off school property, or while representing the school as a member of any team, group, etc., or class.

18 Pa. C.S.A. Sec.  
6305  
35 P.S. Sec. 1223.5  
20 U.S.C. Sec.  
7183

An employee shall be subject to disciplinary procedures consistent with the district's employee discipline policies, procedures and/or practices.

Pol. 817

The Superintendent or designee may report incidents involving the sale or transfer of tobacco to minors by employees 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.

SC 1302.1-A,  
1303-A  
Title 22 Sec. 10.2,  
10.22  
18 Pa. C.S.A. Sec.  
6305  
Pol. 825

Visitors

The Board prohibits possession, use, sale and/or promotion of tobacco and vapor products by visitors at any time in a school building, on any property, buses, vans and vehicles that are owned, leased or controlled by the District, at school-sponsored activities that are held on or off school property.

18 Pa. C.S.A. Sec.  
6305  
35 P.S. Sec. 1223.5  
20 U.S.C. Sec.  
7183  
Pol. 904

	<b>POLICY NO. 823 USE OF TOBACCO AND VAPOR PRODUCTS</b>	
	<p>The Superintendent or designee may report incidents involving the sale or transfer of tobacco to minors by employees 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.</p> <p>The use of tobacco and vapor products in violation of this policy by a member of the public shall be considered an act of trespass.</p> <p><u>Allowance for Smoking Cessation Products</u></p> <p>Nicotine containing products that are officially approved by the Food and Drug Administration (FDA), such as skin patches, lozenges, and chewing gum for smoking cessation will be permitted if an individual is using them as a means of smoking cessation.</p>	<p>SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.22 18 Pa. C.S.A. Sec. 6305 Pol. 825</p>
<b>Section 5</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The Superintendent or designee shall develop administrative regulations to implement this policy.</p> <p>The Superintendent or designee shall annually notify students, parents/guardians, staff, and visitors about the District’s tobacco and vapor product use policy in materials including but not limited to student and employee handbooks, on the website, posted notices, and on signage in school buildings and on school property and other efficient methods.</p> <p>The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by any person on school property to the Office of Safe Schools on the required form in accordance with state law and regulations.</p>	<p>SC 1303-A Pol. 825</p>

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References:

School Code – 24 P.S. Sec. 1302.1A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2,  
10.22, 10.23, 10.25

Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305

Tobacco Use Prohibition – 18 Pa. C.S.A. 6306.1

School Tobacco Control – 35 P.S. Sec. 1223.5

Individuals With Disabilities Education Act – 20 U.S.C. Sec.  
1400 et seq.

No Child Left Behind Act – 20 U.S.C. Sec 7114

Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.

Individuals With Disabilities Education Act, Title 34, Code of  
Federal Regulations – 34 CFR Part 300

Board Policy – 103.1, 113.1, 113.2, 825, 904