# TURKEYFOOT VALLEY AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: USE AND POSSESSION OF

TOBACCO/NICOTINE

**PRODUCTS** 

ADOPTED: MAY 18, 2020

REVISED: FEBRUARY 18, 2019-FIRST READ

### 222. USE AND POSSESSION OF TOBACCO/NICOTINE PRODUCTS

### 1. Purpose

Research from many responsible sources has determined that tobacco/nicotine use is hazardous to the health of the user as well as to nonsmokers in a smoke-filled environment. The Surgeon General has issued warnings to this effect. The Board recognizes that tobacco/nicotine use and smoking present a health hazard to students, employees and visitors within the school community and is, therefore, of concern to the Board. In light of this information and in compliance with the requirements of the Pennsylvania Clean Indoor Air Act and Title 18 of the Pennsylvania Consolidated Statutes Prohibiting the Use of Tobacco/Nicotine in Schools, this policy is hereby issued.

This smoking policy is implemented for the following reasons:

- 1. This policy will further the goal of consistency among ongoing school district programs directed against smoking.
- 2. This policy will be part of a necessary regulatory scheme for students in the public schools.
- 3. This policy will provide the role-modeling efforts of professional and support staff to direct children against smoking.
- 4. This policy, by virtue of its application to school district employees and members of the public in conjunction with the policy not permitting students to smoke or use tobacco, nicotine, or nicotine delivery products, will generate respect among students for school authority, thereby improving discipline.
- 5. This policy will reflect and emphasize the hazards of smoking.

#### Compliance With Federal and State Law

20 U.S.C. Sec. 7181 et seq

Congress has adopted the Pro-Children Act of 1994 (20 U.S.C. 7181 et seq.), which requires that public school districts prohibit smoking within any indoor facility wherein routine or regular educational services to children is being provided.

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

The Pennsylvania Legislature has adopted a School Tobacco Control Law, Act 168 of 1988, which provides that a Board of School Directors may prohibit smoking on school property and otherwise regulate smoking.

# 18 Pa. C.S.A. Sec 6305

The Pennsylvania Legislature has adopted Act 145 of 1996, which permits school authorities to prosecute students for possession or use of tobacco. Act 93 of 2019 and Act 111 of 2019 made modifications regarding use and sale of tobacco and vaping products on school property.

2. Delegation of Responsibility

It is the responsibility of all persons to implement this policy. With sensitivity and diplomacy, any person who observes another in violation of this policy is to inform that person of the policy:

- 1. All employees have direct responsibility for implementing this policy with students and visitors.
- 2. Administrators have direct responsibility for implementing this policy with staff.
- 3. Staff violations of this policy will result in the following:
  - a. Verbal reprimand.
  - b. Letter of reprimand to be place in personnel file.
  - c. One-day suspension without pay.
  - d. Further violations shall be considered cause for removal, termination, or other discipline, and shall be dealt with according to established policies and procedures.

3. Definitions

**Smoking** is the use or possession of a lighted cigarette, cigar, pipe or other lighted smoking equipment, and shall also include the use of any smokeless tobacco product.

**Smokeless tobacco product** shall include, but not be limited to, any chewing tobacco that is used, chewed, sniffed or ingested.

**School building utilized for children** is any indoor facility used by the Turkeyfoot Valley Area School District for provisions of routine or regular kindergarten, elementary or secondary education, or library services to children.

**Tobacco** is a lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.

**Nicotine** shall include any product that consists of or contains and form of nicotine that can be ingested by chewing, smoking, inhaling, or through any other means.

**Nicotine delivery products** shall include, but are not limited to, a device or product used or with the intention of or design for the purpose of ingesting nicotine or another substance. This definition includes, but is not limited to,

18 Pa. C.S.A. Sec. 6306.1 18 Pa. C.S.A. Sec. 6305 4. Authority 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183

35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183 any device or associated product used for what is commonly referred to as vaping or juuling.

**Children** means individual who have not attained the age of eighteen (18).

**Student** and **Pupil** is a person between the ages of six (6) and twenty-one (21) years who is enrolled in school.

All persons, including employees, officers, volunteers, visitors and students, are prohibited from smoking, the use of smokeless tobacco products, nicotine, and a nicotine delivery product in any school building utilized for children within the school district, and on any school bus or other vehicle used in transporting children operated by or on behalf of the Turkeyfoot Valley Area School District. This prohibition shall be enforced at all times, except with non-students or non-staff in a non-school vehicle, and shall include any activity or functions occurring within the facility, whether school-sponsored or otherwise.

Smoking, the use of smokeless tobacco products, nicotine, and a nicotine delivery product is prohibited on exterior school grounds of any activity or function occurring within the facility, whether school-sponsored or otherwise.

## Student Possession Or Use Prohibited

Any student is prohibited from possessing or using tobacco, nicotine, or a nicotine delivery product:

- 1. In any Turkeyfoot Valley Area School District building.
- 2. On any grounds of the Turkeyfoot Valley Area School District.
- 3. On any school property owned by, leased by or under the control of Turkeyfoot Valley Area School District.
- 4. On a school bus or any other conveyance provided by the school district for transportation to or from Turkeyfoot Valley Area School District, including transportation to or from a school-sponsored activity, function or event. This includes private vehicles utilized by school staff or chaperones for transporting students.
- 5. At any school function, activity or event held off school district grounds or property.

A student is in possession of tobacco, nicotine, or a nicotine delivery product for purposes of this policy if tobacco is found on the person of the student; in the student's locker; in a student's purse, backpack, gym bag or other like

object; in a student's coat or other clothing; or otherwise under the student's control.

#### 5. Guidelines

### <u>Penalties</u>

Any person who violates this policy may be subject to the following penalties, which are in addition to any civil or criminal prosecution and penalty imposed by law:

- 1. <u>Students-</u> Students who are found to be using, carrying or distributing any type of drug, alcohol or drug paraphernalia, or any product that is represented as such, will be suspended out-of-school for ten (10) days and will be recommended to the Board of School Directors for expulsion.
  - 2. Students- Students will be subject to penalties prescribed in the Code of Student Conduct, up to and including possible expulsion. Furthermore, any student who has committed three (3) infractions for tobacco, nicotine, or a nicotine delivery product use or possession during the student's enrollment at Turkeyfoot Valley Area School District may be expelled. Any student who violates this policy may be subjected to prosecution before a district justice (magistrate) and be fined not more than \$50.00 plus court costs, pursuant to Act 145 of 1996.
  - 3. <u>Employees-</u> Employees, officers, and agents of the district will be subject to disciplinary action up to and including possible dismissal.
  - 4. <u>Volunteers</u> Volunteers will be subject to temporary or permanent termination of participation in the volunteer program.
  - 5. <u>Visitors-</u> Visitors who fail or otherwise refuse to adhere to this policy will be asked to leave the premises and may be subject to temporary or permanent exclusion from school grounds.

Smoking cessation programs will be offered, as needed, at the student's expense. Building administrators may offer smoking cessation class in lieu of a fine for a first time offender.

Smoking cessation programs will be offered to staff at their own expense on a request basis.

18 Pa. C.S.A. Sec. 6306.1 Sec 6305

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Tobacco Use Prohibition – 18 Pa. C. S. A. Sec 6305

School Code – 24 P.S. Sec. 510, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 403.1

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

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

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

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