

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: TOBACCO

ADOPTED: August 19, 2002

REVISED: August 19, 2013

DRAFT: _____

222. TOBACCO	
<p>1. Purpose</p>	<p>The Board recognizes that tobacco, <u>nicotine and nicotine delivery products</u> presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.</p>
<p>2. Definition 35 P.S. Sec. 1223.5</p>	<p>For purposes of this policy, tobacco includes possession of a lighted or unlighted cigarette, cigar, <u>cigarillo, little cigar</u>, pipe, or other smoking product or material and smokeless tobacco in any form <u>including chewing tobacco, snuff, dip, or dissolvable tobacco pieces</u>.</p> <p><u>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.</u></p> <p><u>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.</u></p>
<p>3. Authority 18 Pa. C.S.A. Sec. 6305 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183, <u>Pol. 103.1, 113.1,</u> <u>113.2, 805.1</u></p> <p>Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1 113.2, 805.1</p>	<p>The Board prohibits possession, use or sale of tobacco, <u>nicotine and nicotine delivery products</u> 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.</p> <p>The Board prohibits possession, use or sale of tobacco, <u>nicotine and nicotine delivery products</u> by students at school sponsored activities that are held off school property.</p> <p>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.</p>

<p>18 Pa. C.S.A Sec. 6306.1</p> <p>4. Delegation of Responsibility SC 1301-A Pol. 805.1</p> <p>5. Guidelines SC 1302.1-A, SC 1303-A Title 22 Sec. 10.2, 10.22 Pol. 805.1</p> <p><u>5. Guidelines</u></p> <p>Title 22 Sec. 10.2, 10.25 Pol. 805.1</p> <p>SC 1301-A 24 P.S. 1303-A Pol. 805.1</p> <p>SC 1302.1-A, SC 1303-A Title 22 Sec. 10.2, 10.22, 10.25 Pol. 805.1</p> <p>18 Pa. C.S.A Sec. 6306.1</p>	<p>The school district may initiate prosecution of a student who possesses, uses or sells tobacco in violation of this policy.</p> <p>The Superintendent or designee shall annually notify students, parents/guardians and staff about the school district's tobacco/<u>nicotine</u> policy by publishing such policy in the Code of Student Conduct, posted notices, district website and other efficient methods.</p> <p>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.</p> <p><u>Reporting</u></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, <u>nicotine or nicotine delivery products</u> 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.</p> <p>In accordance with state law, the Superintendent shall annually, by July 31, report all -incidents of possession, use and sale of tobacco, <u>nicotine and nicotine delivery products</u> in violation of this policy by any person<u>student</u> on school property to the Office of Safe Schools.</p> <p><u>Additional Provisions – Tobacco Only</u></p> <p>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.</p> <p>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.</p>
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	<p>References:</p> <p>School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 10.23, 10.25, 403.1</p> <p>Sale of Tobacco – 18 Pa. C.S.A. Sec. 6305</p> <p>Tobacco Use Prohibition – 18 Pa. C.S.A. Sec. 6306.1</p> <p>School Tobacco Control – 35 P.S. Sec. 1223.5</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec. 1400 et seq.</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114, <u>7118, 7181 et seq, 7183</u></p> <p>Pro-Children Act of 2001 – 20 U.S.C. Sec. 7181 et seq.</p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Board Policy – 000, 103.1, 113.1, 113.2, 805.1</p> <p>PSBA Revision 4/13</p>
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