

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: COMMUNITY
 TITLE: PUBLIC ATTENDANCE AT SCHOOL EVENTS
 ADOPTED: August 19, 2002
 REVISED: August 19, 2013
 March 18, 2019
 August 19, 2019

<p>904. PUBLIC ATTENDANCE AT SCHOOL EVENTS</p>	
<p>1. Purpose</p>	<p>The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities during such events. <u>This policy establishes conditions, restriction and procedures to regulate public attendance and conduct at school and school-sponsored activities.</u></p>
<p>2. Definition 35 P.S. — Sec. 1223.5</p>	<p>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.</p> <p>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.</p> <p>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. State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including the product marketed as Juul and other electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with law, shall be defined to include the following:[1][2]</p> <ol style="list-style-type: none"> <u>1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.</u> <u>2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.</u>

<p>3. Authority <u>SC 511, 775</u> <u>—Pol. 705</u></p>	<p><u>3. Any product containing, made or derived from either:</u></p> <ul style="list-style-type: none"><u>a. Tobacco, whether in its natural or synthetic form; or</u><u>b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.</u> <p><u>4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.</u></p> <p><u>The term tobacco product does not include the following:[1][2]</u></p> <ul style="list-style-type: none"><u>1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.</u><u>2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. <i>Federal law requires the district to maintain a drug-free environment, at which marijuana of any kind is prohibited.</i>[3][4]</u> <p>The Board has the authority to prohibit at a school event the attendance of any individual whose conduct may constitute a disruption. <u>The Superintendent or designee and building principal may limit attendance to designated areas or may limit the number of attendees to school events when necessary to protect the health and safety of students, staff and the public, in accordance with Board-approved health and safety plans and guidance from state and local officials.</u></p> <p>The Board prohibits gambling and the possession and use of controlled substances <u>prohibited by state or federal law</u>, alcoholic beverages and weapons on school premises.[5][6]</p> <p><u>Attendees shall be informed of the district’s health and safety rules through announcements and/or posting of appropriate signage. Health and safety rules must be followed prior to entry and while attendees are in school buildings and on school property, in accordance with Board policy, district procedures, the Board-approved health and safety plans and guidance from state and local officials.[7]</u></p> <p><u>Tobacco and Vaping Products</u></p> <p><u>The Board prohibits use of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by any persons at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by</u></p>
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<p>4. Delegation of Responsibility —SC 510.2</p> <p>5. Guidelines 35 P.S. Sec. 1223.5 —20 U.S.C. —Sec. 7183</p> <p>SC1303-A —Pol. 805.1</p> <p>—SC 1302.1 A, —1303 A</p>	<p><u>the school district; or on property owned, leased or controlled by the school district.</u>[2][8]</p> <p><u>This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by members of the public of legal age at school or school-sponsored activities.</u></p> <p><u>The Board deems it to be a violation of this policy for an individual in attendance at school or a school-sponsored activity to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a minor.</u>[1]</p> <p>A schedule of fees for attendance at school events shall be prepared by the Superintendent and approved by the Board. Board members (both past and present) will receive free admission to any school-sponsored event held at ESASD facilities for which an admission fee is not collected by an outside agency renting the facilities.</p> <p>The Superintendent or designee shall ensure that this policy is posted on the district’s publicly accessible website.[9]</p> <p><u>Tobacco/Nicotine</u></p> <p>The Board prohibits use of tobacco, nicotine and nicotine delivery products by any persons in its school buildings and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.</p> <p>This policy does not prohibit the use of a nicotine patch, gum or lozenge as a smoking cessation product by adult members of the public in attendance at school events.</p> <p><u>Reporting</u></p> <p><u>Office for Safe Schools Report-</u></p> <p>The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco, <u>nicotine and nicotine delivery and vaping products, including Juuls and other e-cigarettes</u> by any person on school property to the Office for Safe Schools on the required form.[10][11]</p> <p><u>Additional Reports—Tobacco Only</u> <u>Law Enforcement Incident Report-</u></p> <p>The Superintendent or designee may report incidents involving the sale of tobacco to</p>
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<p>Title 22 Sec. 10.2, 10.22 18 Pa. C.S.A. Sec. 6305 Pol. 805.1</p> <p>43 P.S. Sec. 953 28 CFR Sec. 35.136 Pol. 718</p>	<p>minors by any person 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 policy 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. <u>In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies, the Superintendent or designee may report to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, the use or sale of tobacco or vaping products, including Juuls and other e-cigarettes, by any person in a school building; on a school bus or other vehicles that are owned, leased or controlled by the school district; or on any property owned leased or controlled by the school district.</u>[1][2][10][11][12][13][14]</p> <p><u>Service Animals</u></p> <p>Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations.[15][16][17]</p> <p><u>Public Behavior at School Events</u></p> <p>The district expects mutual respect, civility, and orderly conduct by all individuals attending school events on district property.</p> <p>The Board establishes the following regulations with respect to the conduct of school events.</p> <p><u>Violation of Law:</u></p> <p>Whenever the conduct or action of any students, faculty members, staff or other person on school property constitutes a violation of any federal, state or local law or ordinance, or reasonably appears to constitute such a violation, the appropriate law enforcement agency may be summoned and asked to take such actions as are necessary pursuant to such law or ordinance.</p> <p>Nothing in this section shall preclude additional administrative actions against any offender, nor shall acquittal in a court of law or dismissal of legal proceedings or charges preclude such administrative actions under any section of these rules or existing state laws.</p> <p><u>Other Existing Remedies:</u></p>
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Whenever the conduct or action of any students, faculty or staff members or other employees is such as to justify disciplinary proceedings such as are provided for under Civil Service Law and/or Education Law and such other provisions of federal or state law as may provide for the filing of charges, disciplinary proceedings and punishment thereunder, the Board, or other proper administrative authority may proceed. No proceeding or penalty assessed under the within rules and regulations shall be a bar to, or prohibit in any manner whatsoever, the right of the school district or its staff and officers to proceed pursuant to the aforesaid state laws and any others which may be applicable as a result of such conduct or action.

Expected Behavior:

Individuals attending school events on district property will not:

1. Injure, threaten, harass or intimidate a district employee, sports official or coach or any other person.
2. Act in an unsafe manner that could threaten the health or safety of others.
3. Use vulgar or obscene language or gestures.
4. Fight, strike or injure another person.
5. Damage, deface or threaten to damage district property.
6. Damage, deface or threaten to damage another individual's property.
7. Engage in any activity that violates any federal or state law or regulation or any local policy, regulation or ordinance.
8. Violate any Board policy or district administrative regulation.
9. Use any tobacco, ~~nicotine or nicotine delivery~~ and vaping product, including Juuls and other e-cigarettes, except in an area designated and posted by the district. These rules do not prohibit the use of nicotine gum, patch or lozenge as a smoking cessation product by adults attending school events.
10. Consume, possess, distribute or be under the influence of alcoholic beverages or ~~illegal drugs~~ controlled substances prohibited by state or federal law.
11. Possess or use weapons or dangerous devices prohibited by the district.
12. Impede, delay, disrupt or interfere with any school activity or event, including using cellular telephones in a disruptive manner.

13. Enter upon any portion of district or school premises at any time for purposes other than those that are lawful and authorized by the Board.
14. Operate a motor vehicle in a risky manner, in excess of posted traffic signage, unauthorized parking in designated parking areas, or in violation of an authorized district employee's directive.
15. Engage in any risky behavior, such as roller skating, roller blading or skateboarding.
16. Fail to obey the directive of an authorized district employee, security officer, school police officer, ~~school resource officer (SRO)~~ or local law enforcement official.

As circumstances warrant, the administrator in charge will take appropriate action, including warning the person in violation, requesting the person to immediately leave district property, contacting law enforcement officials, and seeking to deny future admission to school events.

Continuation or escalation of prohibited behavior after a warning will result in ejection from the event premises.

Behavior that is unlawful or in violation of Board policy or administrative regulations may result in immediate ejection of the person in violation from the event premises.

Disruptive behavior by a group when individual persons cannot be identified may result in the ejection of offending areas of spectator seating.

A district employee may request identification from any individual on district grounds and in district buildings. Refusal to provide such information is a criminal act and may result in a request to leave district property.

An employee involved in an incident with an attendee at a school event will complete an incident report and submit it to the building principal or immediate supervisor, who will report the incident to the Superintendent.

Crowd Control

A designated administrator will be assigned responsibility for monitoring and supervising the orderly conduct of students and spectators attending school events on district property. Crowd control procedures may include the following:

1. The administrator will ensure that enough authorized district personnel are assigned to provide adequate supervision.
2. The administrator may request law enforcement officials to be present if s/he anticipates the crowd may pose a behavior or safety problem, and may direct the placement of the officers.
3. The admissions gate and/or entrances will be regulated, and admission will be limited to eligible students, spectators and other authorized attendees. No one under the influence of alcohol or ~~drugs~~controlled substances prohibited by state or federal law will be admitted.
4. If a disturbance occurs, the administrator will determine if the event needs to be concluded, and s/he may close the event and direct those in attendance to immediately leave school grounds.

References:

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. 20 U.S.C. 7118
4. Pol. 351
5. 24 P.S. 511
6. 24 P.S. 775
7. Pol. 705
8. 20 U.S.C. 7973
9. 24 P.S. 510.2
10. 24 P.S. 1303-A
11. Pol. 805.1
12. 22 PA Code 10.2
13. 22 PA Code 10.22
14. 24 P.S. 1302.1-A
15. 28 CFR 35.136
16. 43 P.S. 953
17. Pol. 718
- 20 U.S.C. 7971 et seq
- 28 CFR Part 35

~~School Code—24 P.S. Sec. 510.2, 511, 775, 1302.1-A, 1303-A~~

~~State Board of Education Regulations—22 PA Code Sec. 10.2, 10.22,~~

~~Sale of Tobacco—18 Pa. C.S.A. Sec. 6305, 6306.1~~

~~School Tobacco Control—35 P.S. Sec. 1223.5~~

~~Pennsylvania Human Relations Act — 43 P.S. Sec. 953~~

~~Pro Children Act of 2001 — 20 U.S.C. Sec. 71817118 et seq., 71837971, 7973~~

~~Nondiscrimination on the Basis of Disability, Title 28, Code of Federal
— Regulations — 28 CFR Part 35, 35.136~~

~~Board Policy — 351, 718, 805.1~~