

SHALER AREA SCHOOL DISTRICT

No: 222

SECTION: PUPILS

TITLE: TOBACCO USE

ADOPTED: MAY 20, 1998

REVISED: APRIL 18, 2001; APRIL 18, 2007; FEBRUARY 19, 2014; AUGUST 19, 2015

222. TOBACCO USE	
1. Purpose	The Board recognizes that tobacco presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.
2. Definition 35 P.S. Sec. 1223.5	For purposes of this policy, tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material, smokeless tobacco in any form and electronic cigarettes. Disposable electronic cigarettes are defined as battery-operated products designed to deliver nicotine, by turning the substance into a vapor that is inhaled by the user. Refillable vape pens fall under Policy 227 Controlled Substances/Paraphernalia.
3. Authority 18 Pa. C.S.A. Sec. 6305 35 P.S. Sec. 1223.5 20 U.S.C. Sec. 7183 Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1, 113.2, 805.1	<p>The Board prohibits possession, use or sale of tobacco 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 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>
4. Delegation of Responsibility	<p>The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's tobacco policy by publishing such policy in the student handbook, parent newsletters, posted notices, district website and other efficient methods.</p> <p>Code of Student Conduct</p> <p>The Superintendent or designee shall develop administrative regulations to implement this policy.</p>
5. Guidelines SC 1302.1-A, 1303-A Title 22 Sec. 10.2, 10.22	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

Pol. 805.1	memorandum of understanding with local law enforcement and Board policies.
Title 22 Sec. 10.2, 10.25 Pol. 805.1	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 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.
SC 1303-A Pol. 805.1	In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by students to the Office for Safe Schools on the required form.
18 Pa. C.S.A. Sec. 6306.1	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.
SC 1303-A Title 18 Sec. 6306.1	<p>Incidents of possession, use, and sale of tobacco in violation of this policy by any person on school property shall be reported to the Office of Safe Schools on the required form at least once each year.</p> <p>A student convicted of possessing or using tobacco in violation of this policy may be fined up to \$50 plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.</p>
Pa Code Title 22 Sec. 12.3	<p><u>Student Disciplinary Procedures:</u></p> <p>Infractions below can be either mere possession or use and apply to school time, school activities, while on school busses going to and from school or any school event. The infractions refer to a student's time at Shaler Area and not just in one school year.</p>
School Code 510, 1303-A 35 P.S. 1223.5	<p><u>First Infraction</u></p> <ol style="list-style-type: none"> 1. Three day out-of-school suspension. 2. Referral to approved smoking cessation program at student's expense in lieu of District Magistrate citation.
20 U.S.C. Sec. 7181 et seq	<p><u>Second Infraction</u></p> <ol style="list-style-type: none"> 1. Three day out-of-school suspension. 2. Informal hearing 3. Ten-day out-of-school suspension 4. District Magistrate citation.
20 U.S.C. Sec. 7114	<p><u>Third Infraction</u></p> <ol style="list-style-type: none"> 1. Three day out-of-school suspension. 2. Informal hearing. 3. Ten-day out-of-school suspension 4. District Magistrate citation. 5. Referral to Board expulsion proceedings with a mandatory sixty day expulsion reduced to thirty days if they successfully complete the smoking cessation program at student's expense.

Fourth Infraction

1. Three day out-of-school suspension.
2. Informal hearing
3. Ten-day out-of-school suspension
4. District Magistrate citation.
5. Referral to Board expulsion proceedings with mandatory twelve-month expulsion.

Subsequent Infractions

1. Three day out-of-school suspension.
2. Informal hearing
3. Ten-day out-of-school suspension.
4. District Magistrate citation.
5. Referral to Board expulsion proceedings with mandatory twelve-month expulsion.

References:

School Code – 24 P.S. Sec. 510, 1302.1-A, 1303-A

State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.22, 10.23, 10.25, 403.1

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

Tobacco Use Prohibition – 18 Pa. C.S.A. Sec. 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 – 000, 103.1, 113.1, 113.2, 805.1