

POLICY 222

Tobacco and Vaping Products

REDLINE DRAFT FOR CONSIDERATION

Policy Number	222	Status	Draft Redline
Base Policy	Adopted 7/23/2002; revised 8/31/2021	Model Reference	PSBA Revision 5/24 (2024)

REDLINE KEY: ~~Red strikethrough~~ indicates proposed deletion. Black underline indicates proposed addition.

Unmarked text is retained or repositioned without substantive change.

Drafting note: *This draft uses active CBSD Policy 222 as the baseline and incorporates the substantive provisions in the PSBA Revision 5/24. It retains district-specific references where appropriate and adds a proposed administrative regulation to support consistent implementation.*

Purpose

~~The Board recognizes that tobacco and vaping products, including the product marketed as Juul and other electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products, including Juuls and other electronic cigarettes on school property and/or at school-related events.~~ The Board recognizes that tobacco and vaping products, including electronic cigarettes, present a health and safety hazard that can have serious consequences for users, nonusers and the school environment. The purpose of this policy is to prohibit student possession, use, purchase and sale of tobacco and vaping products.

Definitions

~~State law defines the term tobacco product to broadly encompass not only tobacco but also vaping products including Juuls and other electronic cigarettes (e-cigarettes).~~ For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products, including electronic cigarettes (e-cigarettes).

Tobacco products, for purposes of this policy and in accordance with state law, shall include:

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.
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.
3. Any product containing, made or derived from tobacco, whether in its natural or synthetic form, or nicotine, whether in its natural or synthetic form, that is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of a product or electronic device included in this definition, whether or not sold separately.

Authority

~~The Board prohibits possession, use, purchase or sale of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.~~ The Board prohibits possession, use, purchase or sale of tobacco products, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles owned, leased or controlled by the district; on property owned, leased or controlled by the district; or at school-sponsored activities held off school property.

The Board prohibits student possession or use of products marketed and sold as tobacco cessation products or for other therapeutic purposes, except as authorized under Policy 210, Use of Medications.

The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles owned, leased or controlled by the district; on property owned, leased or controlled by the district; or at school-sponsored activities held off school property.

~~The Board authorizes the confiscation and disposal of products prohibited by this policy.~~ The Board authorizes the confiscation and disposal of tobacco products prohibited by this policy.

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 by state and federal laws and regulations, applicable Board policies and the district memorandum of understanding with law enforcement.

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to implement this policy.

~~The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, school calendar, posters, and by other efficient methods, such as posted notices, signs and on the district website.~~ The Superintendent or designee shall notify students, parents/guardians and staff about this policy through student handbooks, district communications, posted notices, signs, the district website and other effective methods.

Reporting

The Superintendent or designee shall notify the parent/guardian of a student directly involved in an incident involving possession, use, purchase or sale of a tobacco product immediately, as soon as practicable. The parent/guardian shall be informed whether the law enforcement agency having jurisdiction over the school property has been or may be notified. Attempts to reach the parent/guardian shall be documented.

The Superintendent shall annually, by July 31, report incidents of student possession, use or sale of tobacco products to the Pennsylvania Department of Education on the required form.

The Superintendent or designee may report incidents involving student possession, use or sale of tobacco products to the law enforcement agency having jurisdiction in accordance with state law and regulations, the district memorandum of understanding with law enforcement and applicable Board policies.

Guidelines

A student who violates this policy may be subject to prosecution initiated by the district and, if convicted, may be required to pay a fine for the benefit of the district, plus court costs. In lieu of a fine, the court may admit the student to an adjudication alternative.

School counselors or other designated staff shall provide students who violate this policy with information regarding available tobacco and nicotine cessation programs.

Tampering with a device installed to detect the use of tobacco products constitutes a violation of this policy and may result in disciplinary action.

Legal References

- 18 Pa. C.S. § 6305
- 18 Pa. C.S. § 6306.1
- 20 U.S.C. § 7973
- 22 Pa. Code §§ 10.2, 10.22, 10.23 and 10.25
- 24 P.S. §§ 13-1306.2-B and 13-1319-B
- 20 U.S.C. § 1400 et seq.

Policy References

- Policy 103.1 - Nondiscrimination of Students Eligible for Special Education Services
- Policy 113.1 - Discipline of Students With Disabilities
- Policy 113.2 - Behavior Support
- Policy 210 - Use of Medications
- Policy 218 - Student Discipline
- Policy 227 - Controlled Substances/Paraphernalia
- Policy 805.1 - Relations With Law Enforcement Agencies
- 222-AR-1 - Response to Student Tobacco and Vaping Product Violations

222-AR-1

Response to Student Tobacco and Vaping Product Violations

NEW ADMINISTRATIVE REGULATION | ALL TEXT PROPOSED

Drafting note: *Because no current CBSD administrative regulation was provided, all text below is proposed new language. The regulation operationalizes Policy 222 while preserving administrative judgment and required disability protections.*

Purpose

This administrative regulation establishes a consistent process for responding to suspected or confirmed student possession, use, purchase or sale of tobacco and vaping products prohibited by Policy 222.

Immediate Response

1. Address any immediate health or safety concern and contact the school nurse or emergency services when warranted.
2. Direct the student to surrender the suspected tobacco or vaping product and related components. Staff shall not direct a student to activate, inhale from or otherwise manipulate a suspected device.
3. Secure confiscated items in accordance with building procedures and limit handling to the extent practicable.
4. Notify the building principal or designee and document the circumstances of the incident.
5. Apply reasonable precautions when an item appears damaged, overheated, leaking or otherwise hazardous, and contact appropriate district personnel.

Administrative Review

- The administrator shall provide the student an opportunity to explain the circumstances and shall review reasonably available information.
- The administrator shall determine whether the item falls within Policy 222 and whether other policies may apply, including Policy 227 when a device or substance may involve controlled substances or paraphernalia.
- Searches of students or belongings shall be conducted only in accordance with applicable law, Board policy and district procedures.
- For a student with a disability, including a student for whom an evaluation is pending, the administrator shall consult appropriate student services personnel and comply with applicable procedural protections.

Parent/Guardian Notification

The parent/guardian of a student directly involved shall be notified immediately, as soon as practicable. The administrator shall explain the known circumstances, the item confiscated, the anticipated school response and whether law enforcement has been or may be notified. Attempts to reach the parent/guardian shall be documented.

Law Enforcement and Required Reporting

Referral to law enforcement shall be determined in accordance with applicable law and regulations, the district memorandum of understanding with law enforcement and Policy 805.1. The administrator shall not represent that referral or prosecution is automatic when the governing authority provides discretion.

Incidents shall be recorded using district reporting procedures so the Superintendent or designee can complete the annual school safety and security incidents report required by law.

Discipline and Support

Consequences shall be assigned in accordance with Policy 218, the Code of Student Conduct and applicable protections for students with disabilities. The response should account for the nature of the conduct, available evidence, prior related violations and safety considerations.

The student shall be provided information about available tobacco or nicotine cessation resources. When appropriate, the administrator may coordinate support through the school counselor, nurse, student assistance program or other designated staff.

Confiscation, Storage and Disposal

- Confiscated products shall be labeled and secured in a location designated by the building principal.
- Access shall be limited to authorized personnel, and transfer or disposal shall be documented.
- Products shall not be returned to the student. Disposition shall follow applicable law, district procedures and any direction from law enforcement.
- If a device may contain evidence of another violation or offense, it shall be preserved and handled in accordance with applicable procedures.

Tampering With Detection Devices

A student who disables, obstructs, damages or otherwise tampers with a device installed to detect tobacco or vaping product use may be subject to disciplinary action under Policy 222, Policy 218 and the Code of Student Conduct. Staff shall document the conduct and any resulting damage or disruption.

Communication and Prevention

Building administrators shall ensure that students and families receive notice of Policy 222 and applicable consequences through handbooks, district communications or other established methods. Prevention and cessation information should be shared periodically in an age-appropriate manner.