POLICY

222 Tobacco and Vaping Products

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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

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 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 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 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.

CENTRAL BUCKS SCHOOL DISTRICT

ADMINISTRATIVE REGULATION

COMMENCED:

REVISED:

ADMINISTRATIVE REGULATION FOR POLICY 222
TOBACCO AND VAPING PRODUCTS

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.