

35 P.S.
Sec. 1223.5

SC 1327, 1330
11.12
Act 128

18 Pa. C.S.A.
Sec. 6305

- b. Possession - For purposes of this Policy, possession would be defined as tobacco or a tobacco-like product being found on the person of the student, in the student's locker, in a student's purse, backpack, gym bag or other like object, in a student's coat or other clothing, in a student's vehicle, or otherwise under the student's control.
- c. Smoking - is defined as inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form.
- d. Tobacco - For purposes of this Policy, tobacco or tobacco-like products include possession of a lighted or unlit cigarette, cigar, pipe, or other lighted or unlit smoking product or material; chewing tobacco, and all forms of smokeless tobacco.
- e. Smokeless Tobacco Product - shall include, but not be limited to, any chewing tobacco, snuff, or similar smokeless tobacco product or other nicotine product that is used, chewed, sniffed, or ingested.
- f. Tobacco Cessation Programs - An intervention program provided through a public health agency or private provider to assist the student in abstaining from the use of tobacco or tobacco-like products. These programs include an initial assessment and follow-up treatment consisting of individual and/or group counseling and are support systems, programs, and services to help people impacted by this Policy to abstain from the use of tobacco and tobacco-like products.
- g. Tobacco-Free Environment – is one hundred percent (100%) absence of tobacco and tobacco-like products and no use, advertising, or promotion (24/7) on school grounds, at school-sponsored events, or in vehicles owned, leased, chartered, or controlled by the District.
- h. Student or Pupil - shall be defined as a person between the ages of 5 and 21 years of age who is enrolled in school.
- i. Building Officials and Code Administrators (BOCA) International – is a service organization that issues a series of model regulatory construction codes for the protection of public health, safety, and welfare. The codes are published in sections, such as the National Building Code, National Plumbing Code, National Fire Prevention Code, etc. For purposes of this Policy, the BOCA Code references the posted "No Smoking" signs that make it unlawful to smoke, throw, or deposit any lighted or smoldering substance.

Section 3. Prohibited Use and Possession of Tobacco and Prohibited Use and Possession of Tobacco and Tobacco-like Products

- a. The Board prohibits the use and possession of tobacco and tobacco-like products by students at any time in a school building and on any property,

<p>35 P.S. Seq. 1223.5 20 U.S.C. Sec. 7138</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>18 Pa. C.S.A. Sec. 6303.1</p> <p>Pol. 233 Act 145 18 Pa. C.S.A. Sec. 6306.1 Pol. 112, 146</p> <p>Act 128</p> <p>SC 1303-A Pol. 805.1</p>	<p>buses, vans, and vehicles that are owned, leased, or controlled by the District.</p> <p>b. The Board prohibits the use and possession of tobacco and tobacco-like products by students at school-sponsored activities that are held off school property.</p> <p>c. 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 and the procedures set forth in the Memorandum of Understanding with local law enforcement and Board policies.</p> <p>Section 4. <u>Guidelines</u></p> <p>a. Any person who violates this policy may be subject to the following penalties that are in addition to any civil or criminal prosecution and penalty imposed by law:</p> <ol style="list-style-type: none"> 1. Students will be subject to penalties prescribed in the Code of Student Conduct, enforced by District Administration, up to and including possible expulsion. Students who commit a subsequent offense shall be subjected to prosecution before a District Justice (<i>Magistrate</i>) and be fined up to, but not more than \$50.00 plus court costs. <p>b. Students who violate this policy will also be referred to the Student Assistance Program (SAP). Referrals and access to school-based and community resources to help students overcome nicotine addiction shall be provided, including voluntary tobacco and tobacco-like use cessation and/or education classes at the student's expense, when applicable. District Administration shall consider lessening penalties for students who participate in a cessation program.</p> <p>c. Nothing in this policy shall preclude the District Administration from pursuing any other actions under state or municipal laws, ordinances, fire codes, BOCA Codes, or other applicable laws or regulations.</p> <p>d. 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 of Safe Schools on the required form.</p> <p>Section 5. <u>Dress Code</u></p> <p>a. Students are prohibited from wearing or carrying clothing or accessories that display tobacco or tobacco-like product industry brand names, logos, or other related identifiers or allusions to tobacco or tobacco-like product use on school property.</p> <p>b. Such attire will be considered disruptive to the learning climate of the school,</p>
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Pol. 233	<p>and treated as a Level III violation of the Code of Conduct by the District Administration.</p> <p>Section 6. <u>Tobacco or Tobacco-like Product Industry Sponsorship</u></p> <p>The North Allegheny School District will not support any form of financial contributions, resources, or materials paid for by the tobacco industry or tobacco-like product industry for use in the School District.</p> <p><u>References:</u> Act 128 of 2000, BOCA-National Fire Prevention code/1987, Sec F-312.0312.5 Act 145 of 1997 – Use of Tobacco in Schools Prohibited Individuals with Disabilities Education Act, Title 3, Code of Federal Regulations-34 CFR Part 300 No Child Left Behind Act- 20 U.S.C. Sec. 7138 Pro-Children Act of 2001-20 U.S.C. Sec. 7181 et seq. Sale of Tobacco -18 Pa. C.S.A. Sec 6305 School Code- 24 P.S. Sec. 1302.1-A, 1303-A, 1327, 1330-11.12 School Tobacco Control- 35 P.S. Sec. 1223.5 State Board of Education Regulations - 22 P A Code Sec. 10.23, 403.1 Tobacco Use Prohibition- 18 Pa. C.S.A. Sec 6303.1 Board Policy – 000, 218 School Tobacco Control- 35 P.S. Sec. 1223.5 Board Policy – 000, 112, 146, 218, 233, 805.1</p> <p><u>Replaces Policy</u> 3516 3450</p>
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