



**NORTH ALLEGHENY
SCHOOL DISTRICT**

SECTION:	PUPILS
TITLE:	E-CIGARETTES AND VAPES
ADOPTED:	6/27/18
REVISED:	

227.1 – E-Cigarettes and Vapes

Section 1. Purpose

- a. The Board recognizes that the abuse of e-cigarettes and vapes is a serious problem with legal, physical, and social implications for the school community. As an educational institution, the North Allegheny School District shall strive to prevent the abuse or use of e-cigarettes and vapes on school property, at school sponsored events, or on District provided transportation.
- b. The Board believes that as an educational institution, the School District must maintain an environment free of devices for the ingestion of nicotine and illegal drugs in all areas utilized by the District.

Section 2. Definitions

- a. Electronic Cigarette or Vapes - is defined as battery-operated products designed to deliver nicotine flavor and other chemicals by turning the substance into a vapor that is inhaled by the user which simulates smoking. The term shall include any such devices and partial devices, whether they are manufactured, distributed, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vapes, or under any other product name or descriptor.
 - 1. Should an electronic cigarette or vape be used for the ingestion or inhalation of illegal substances covered in Board Policy 227, Controlled Substances and Paraphernalia, that policy will control the District actions taken.
- b. Possession - For purposes of this Policy, possession would be defined as an electronic cigarette, vape, vaping fluid, cartridge, or partial device 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. Uncooperative Behavior - resistance or refusal, whether verbal, physical, or passive, on the part of the student to comply with the reasonable requests or

Act 128

35 P.S. Sec. 1223.5

<p>Pol. 121, 121,123</p>	<p>recommendations of school personnel. Defiance, assault, deceit, and flight shall constitute examples of uncooperative student behavior. Uncooperative behavior shall also include the refusal to comply with recommendations of the Student Assistance Program (SAP) Team or to attend therapeutic cessation programs.</p> <p><u>Section 2. Prohibited Use and Possession of E-Cigarettes, Vapes, and Vaping Materials</u></p> <p>a. The Board prohibits students from using, possessing, or distributing e-cigarettes, vapes, or vaping materials at any time while on school property, at any school-sponsored activity, and during the time spent traveling to and from school and to and from school-sponsored activities.</p> <p>b. 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>c. This policy shall also apply to student conduct that occurs off school property and would otherwise violate the Code of Student Conduct if any of the following circumstances exist:</p> <ol style="list-style-type: none"> 1. The conduct occurs during the time the student is traveling to and from school or traveling to and from school-sponsored activities, whether or not via District furnished transportation. 2. The student is a member of an extracurricular activity and has been notified that particular off-campus conduct could result in exclusion from such activities. 3. Student expression or conduct materially and substantially disrupts the operations of the school, or the administration reasonably anticipates that the expression or conduct is likely to materially and substantially disrupt the operations of the school. 4. The conduct has a direct nexus to attendance at school or a school-sponsored activity; for example, a transaction conducted outside of school pursuant to an agreement made in school that would violate the Code of Student Conduct if conducted in school. 5. The conduct involves the theft or vandalism of school property. 6. There is otherwise a nexus between the proximity or timing of the conduct in relation to the student's attendance at school or school-sponsored activities.
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Pol. 218

Section 3. Guidelines

- 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:
 - 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 (Magistrate) and be fined up to, but not more than, \$50.00 plus court costs.
- 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.
- c. In accordance with state law, the Superintendent or designee 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.

Section 4. Dress Code

- a. Students are prohibited from wearing or carrying clothing or accessories that display e-cigarette or vape industry brand names, logos, or other related identifiers or allusions to vaping or vaping-like product use on school property.
- b. Such attire will be considered disruptive to the learning climate of the school, and treated as a Level III violation of the Code of Conduct by the District Administration.

Section 5. E-Cigarette or Vaping Product Industry Sponsorship

The North Allegheny School District will not support any form of financial contributions, resources, or materials paid for by the e-cigarette or vaping industry for use in the School District.

References:

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.

	<p>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>
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