



Book	Policy Manual
Section	200 Pupils
Title	Smoking, Tobacco, Nicotine and Electronic Cigarettes
Code	218.6
Status	Active
Legal	<ol style="list-style-type: none">1. 20 U.S.C. 7181 et seq2. 35 P.S. 1223.53. 20 U.S.C. 71834. 24 P.S. 5105. 22 PA Code 12.36. 22 PA Code 10.237. 20 U.S.C. 1400 et seq8. Pol. 103.19. Pol. 113.110. Pol. 113.211. Pol. 805.112. 24 P.S. 1302.1-A13. 22 PA Code 10.214. 22 PA Code 10.2215. 22 PA Code 10.2516. 24 P.S. 1303-A17. Pol. 21818. Pol. 218.819. Pol. 31720. Pol. 91621. Pol. 90722. 18 Pa. C.S.A. 6306.123. 18 Pa. C.S.A. 630520 U.S.C. 711422 PA Code 403.134 CFR Part 300Pol. 000
Adopted	August 12, 2013

Last Revised

January 8, 2018

Purpose

This smoking policy is implemented for the following reasons:

1. This policy will further the goal of consistency among on-going school district programs directed against smoking, tobacco, nicotine use and vaping.
2. This policy will be part of a necessary regulatory scheme for students in the public schools.
3. This policy will provide the role-modeling efforts of professional and support staff to direct children against smoking, tobacco and nicotine use.
4. This policy, by virtue of its application to school district employees and members of the public in conjunction with the policy not permitting students to smoke, vape or use tobacco, will generate respect among students for school authority, thereby improving discipline.
5. This policy will reflect and emphasize the hazards of smoking, tobacco, nicotine use, and vaping.

Compliance With Federal and State Law

1. Congress has adopted the "Pro-Children Act of 2001" (20 U.S.C. Sec.7183 et_seq.), which requires that public school districts prohibit smoking within any indoor facility wherein routine or regular educational services to children is being provided. [\[1\]](#)
2. The Pennsylvania Legislature has adopted a School Tobacco Control Law, Act 168 of 1988, which provides that a Board of School Directors may prohibit smoking on school property and otherwise regulate smoking. [\[23\]](#)[\[2\]](#)[\[3\]](#)
3. The Pennsylvania Legislature has adopted Act 145 of 1996, which permits school authorities to prosecute students for possession or use of tobacco.

Delegation of Responsibility

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, Code of Student Conduct, district website and other efficient methods.

It is the responsibility of all persons to implement this policy. With sensitivity and diplomacy any person who observes another in violation of this policy is to inform that person of the policy:

1. All employees have direct responsibility for implementing this policy with students and visitors.
2. Administrators have direct responsibility for implementing this policy with staff.
3. Staff violations of this policy will result in the following:
 - a. Verbal reprimand.
 - b. Letter of reprimand to be placed in personnel file.
 - c. One-day suspension without pay.

- d. Further violations shall be considered cause for removal, termination, or other discipline, and shall be dealt with according to established policies and procedures.

Definitions

Tobacco Use - Smoking is the use or possession of a lighted cigarette, cigar, pipe or other lighted smoking equipment, and shall also include the use of any smokeless tobacco product.[22]

Smokeless tobacco product shall include, but not be limited to, any chewing tobacco, that is used, chewed, sniffed or ingested.

School building utilized for children is any indoor facility used by the Moon Area School District for provisions of routine or regular kindergarten, elementary or secondary education, or library services to children.

Tobacco is a lighted or unlighted cigarette, cigar, pipe or other lighted smoking product and smokeless tobacco in any form.[2]

Children means individuals who have not attained the age of eighteen (18).

Student or **Pupil** is a person between the ages of six (6) and twenty-one (21) years who is enrolled in school.

Nicotine Products are any products used to emit nicotine such as but not limited to nicotine patches, electronic devices, nicotine chewing gum and nicotine water.

Authority

All persons, including employees, officers, volunteers, visitors and students, are prohibited from smoking or the use of smokeless tobacco products in any school building utilized for children within the school district, and on any school bus or other vehicle used in transporting children operated by or on behalf of the Moon Area School District.[4][5]

Smoking or the use of smokeless tobacco products is prohibited on exterior school grounds of any school building utilized for children.

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.[10][11][6][7][8][9]

Student Possession or Use Prohibited

Any student is prohibited from possessing or using tobacco:[23][2][3].

1. In any Moon Area School District building.
2. On any grounds of the Moon Area School District.
3. On any school property owned by, leased by or under the control of Moon Area School District.
4. On a school bus or any other conveyance provided by the school district for transportation to or from Moon Area School District, including transportation to or from a school-sponsored activity, function or event. This includes private vehicles utilized by school staff or chaperones for so transporting students.
5. At any school function, activity or event held off school district grounds or property.

A student is in possession of tobacco or nicotine products for purposes of this policy if tobacco, electronic cigarettes, or nicotine products is 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, or otherwise under the student's control.

Guidelines

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 memorandum of understanding with local law enforcement and Board policies.[11][12][13][14][16]

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, or 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.[11][13][15]

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. [11][16]

Penalties

Any person who violates this policy may be subject to the following penalties, which are in addition to any civil or criminal prosecution and penalty imposed by law:

1. **Student** - Students will be subject to penalties prescribed in the Code of Student Conduct, up to and including possible expulsion, in accordance with Board policy. Furthermore, any student who has committed three (3) infractions for tobacco use or possession during the student's enrollment at Moon Area School District may be expelled. Any student who violates this policy may be subjected to prosecution before a district justice (magistrate) and be fined not more than \$50.00 plus court costs, or admitted to alternative adjudication in lieu of imposition of a fine.[17][22][18]
2. **Employees** - Employees, officers and agents of the district will be subject to disciplinary action up to and including possible dismissal, in accordance with law, individual contracts, collective bargaining agreements and Board policies.[19][4]
3. **Volunteers** - Volunteers will be subject to temporary or permanent termination of participation in the volunteer program.[20]
4. **Visitor** - Visitors who fail or otherwise refuse to adhere to this policy will be asked to leave the premises and may be subject to temporary or permanent exclusion from school grounds.[21]

Smoking cessation programs will be offered as needed at the student's expense. Building administrators may offer smoking cessation class in lieu of a fine for a first time offender.

Smoking cessation programs will be offered to staff at staff expense on a request basis.