

York Adams Academy

Title: Tobacco/Nicotine

Number: 222

Status: Active

Legal References

20 U.S.C. 1400 et seq

20 U.S.C. 7114

20 U.S.C. 7118

20 U.S.C. 7971 et seq

20 U.S.C. 7973

24 P.S. 1302.1-A

24 P.S. 1303-A

24 P.S. 510

18 Pa. C.S.A. 6305

18 Pa. C.S.A. 6306.1

34 CFR Part 300

22 Pa. Code 10.2

22 Pa. Code 10.22

22 Pa. Code 10.23

22 Pa. Code 10.25

Pol. 103.1

Pol. 210

Pol. 218

Pol. 227

Purpose

The Joint Authority Board (Board) of the York Adams Academy (Academy), recognizes that tobacco, 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 products, including Juuls and other electronic cigarettes.

Definition

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). Tobacco products, for purposes of this policy and in accordance with state law, shall be defined to include the following:

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 either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does not include the following:

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act.

Authority

The Board prohibits possession, use, purchase or sale of tobacco 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 an Academy building; on buses or other vehicles that are owned, leased or controlled by the Academy; on property owned, leased or controlled by the Academy; or at Academy -sponsored activities that are held off 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 in [the Board's Medication policy OR the Student Handbook].

The Board authorizes Academy employees to confiscate, and Academy administrators to dispose of, products prohibited by this policy.

Delegation of Responsibility

The Superintendent of Record or designee shall notify students, parents/guardians and staff about this policy by publishing information in student handbooks, parent newsletters, posters, or by other efficient methods, such as posted notices, signs, and on the Academy website.

The Superintendent of Record or designee may develop administrative regulations to implement this policy.

Reporting

Parental Report –

The Superintendent of Record or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase, or sale of a tobacco or vaping product, including e-cigarettes, immediately, as soon as practicable. The Superintendent of Record or designee shall inform the parent/guardian whether the local police department that has jurisdiction over the Academy property has been or may be notified of the incident. The Superintendent of Record or designee shall document attempts made to reach the parent/guardian.

Office for Safe Schools Report -

The Superintendent of Record shall annually, by July 31, report all incidents of possession, use or sale of tobacco products, including Juuls or other e-cigarettes, by students to the Office for Safe Schools on the required form.

Law Enforcement Incident Report –

The Superintendent of Record or designee shall report incidents of possession, use, or sale of tobacco products, including Juuls or other e-cigarettes, by students on Academy property, at any Academy-sponsored activity or on a conveyance providing transportation to or from a Academy or Academy-sponsored activity to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the Academy'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.

Guidelines

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

Tampering with devices installed to detect use of tobacco or vaping products shall be deemed a violation of this policy and the student shall be subject to disciplinary action.

Students with Disabilities

In the case of a student with a disability, including a student for whom an evaluation is pending with the sending district, the Academy 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.