

SMOKING AND TOBACCO USE – STUDENTS

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6650 The Board believes that the use of tobacco and tobacco related products, including but not limited to electronic cigarettes, presents a health and safety hazard, which can have serious consequences for the smoker and non-smoker and the safety of the school district. The Board recognizes the health dangers from the use of tobacco, and wishes to protect students, employees, visitors and guests from an environment that may be harmful to them.

6650.1 TOBACCO USE PROHIBITED

- A. All persons, including employees, officers, volunteer, visitors and students are prohibited from smoking, using tobacco products of any kind, using look-alike products, including but not limited to electronic cigarettes, and smoking cessation devices and 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 West Allegheny School District. This prohibition shall be enforced at all times and shall include any activity or function occurring within the facility, whether school sponsored or otherwise.
- B. Smoking, using tobacco products of any kind, using look-a-like products including but not limited to electronic cigarettes, look-a-like smoking cessation devices and the use of smokeless tobacco products is prohibited on exterior school grounds of any school building utilized for children.
- C. Smoking, using tobacco products of any kind, using look-alike products including but not limited to electronic cigarettes and look-alike smoking cessation devices, and the use of smokeless tobacco products is prohibited in all other indoor school buildings, facilities and exterior school grounds, including but not limited to, any outdoor fixed seating area and concession stands.
- D. There shall be no designated smoking areas located in any building, facility or on school grounds.

6650.2 STUDENT POSSESSION OR USE PROHIBITED

- A. Any student is prohibited from possessing or using tobacco and tobacco related products, including but not limited to electronic cigarettes, as described above:
 - 1. In any West Allegheny School District building;
 - 2. On any grounds of the West Allegheny School District;
 - 3. On any school property owned by, leased by or under the control of the West Allegheny School District;
 - 4. On a school bus or any other conveyance provided by the School District for transportation to or from West Allegheny School District,

including transportation to or from a school-sponsored activity, function or event. This includes private vehicles utilized by school staff or chaperons for so transporting students.

5. At any school function, activity or event held off School District grounds or property.
- B. A student is in possession of tobacco, for purposes of this policy, if tobacco or any tobacco related products, and/or electronic cigarettes are 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.

6650.3 PURPOSE

This Tobacco Policy is implemented for the following reasons:

- A. This policy will further the goal of consistency among on-going School District programs directed against smoking;
- B. This policy will be part of a necessary regulatory scheme for students in the public schools;
- C. This policy will provide the role-modeling efforts of professional and nonprofessional staff to direct children against smoking;
- D. 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 or use tobacco, will generate respect among students for school authority, thereby improving discipline;
- E. This policy will reflect and emphasize the hazards of smoking.

6650.4 COMPLIANCE WITH FEDERAL AND STATE LAW

- A. Congress has adopted the "Pro-Children Act of 1994" (20 U.S.C.S. §6081, 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.
- B. The Pennsylvania Legislature has adopted a School tobacco Control Law, Act 168 of 1998, which provides that a Board of School Directors may prohibit smoking on school property and otherwise regulate smoking.
- C. The Pennsylvania Legislature has adopted Act 145 of 1996, which permits school authorities to prosecute students for possession or use of tobacco.

6650.5 DEFINITIONS

- A. Tobacco use is defined as the use or possession of any tobacco products including a lighted cigarette, cigar, pipe or other lighted smoking equipment, including electronic cigarettes, and shall also include the use of any smokeless tobacco products.
- B. "Smokeless tobacco product" shall include, but not be limited to, any chewing tobacco, snuff, or similar smokeless tobacco product that is used, chewed, sniffed or ingested.
- C. "School building utilized for children" is any indoor facility used by the West Allegheny School District for provisions of routine or regular kindergarten, elementary or secondary education, or library services to children.
- D. "Tobacco use" is a lighted or unlighted cigarette, cigar, pipe or other tobacco product and smokeless tobacco in any form including all tobacco products of any kind, look-a-like products including electronic cigarettes and smoking look-alike cessation devices.
- E. "Children" means individuals who have not attained the age of 18.
- F. "Student" or "Pupil" is a person between the ages of 6 and 21 years who is enrolled in school.

6650.6 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:

- A. **STUDENTS**
Students will be subject to penalties prescribed in the Code of Student conduct, up to and including possible expulsion. Any student who violates this Policy may be subject to prosecution before a district justice (magistrate) and be fined up to not more than \$50.00 plus court costs, pursuant to Act 145 of 1996.

Agencies or organizations renting or otherwise using District facilities are held responsible for compliance with this Policy. Failure to comply may result in the District's refusal to permit the organization or agency future use of the facility.

In addition to the above stated penalties, any person who violates this policy by smoking in any school building in violation of any local fire code or ordinance may be subject to prosecution before a district justice in accordance with said fire code or ordinance.

6650.7 STUDENT ASSISTANCE PROGRAMS

Students may be referred and encouraged to participate in smoking cessation programs through the employee or student assistance programs as appropriate.

- A. The provisions of this policy apply to all individuals or organizations using school facilities. Violations of this policy will be taken into consideration in determining if future requests of facilities use should be granted.
- B. When appropriate, students shall be referred and encouraged to participation in a smoking cessation program through the student assistance program as may be appropriate.

Legal Reference

Act 168 of 1998

Pro-Children Act of 1994

Revised by Board 8/20/2014

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2650.1 TOBACCO USE PROHIBITED

- A. All persons, including employees, officers, volunteer, visitors and students are prohibited from smoking, using tobacco products of any kind, using look-a-like products including but not limited to electronic cigarettes, look-alike smoking cessation devices and 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 West Allegheny School District. This prohibition shall be enforced at all times and shall include any activity or function occurring within the facility, whether school sponsored or otherwise.
- B. Smoking, using tobacco products of any kind, using look-a-like products including but not limited to electronic cigarettes, and look-alike smoking cessation devices and the use of smokeless tobacco products is prohibited on exterior school grounds of any school building utilized for children.
- C. Smoking, using tobacco products of any kind, using look-a-like products including but not limited to electronic cigarettes, and look-alike smoking cessation devices, and the use of smokeless tobacco products is prohibited in all other indoor school buildings, facilities and exterior school grounds, including but not limited to, any outdoor fixed seating area and concession stands.
- D. There shall be no designated smoking areas located in any building, facility or on school grounds.

2650.2 PURPOSE

This Smoking Policy is implemented for the following reasons:

- A. This policy will further the goal of consistency among on-going School District programs directed against smoking;
- B. This policy will be part of a necessary regulatory scheme for students in the public schools;

- C. This policy will provide the role-modeling efforts of professional and nonprofessional staff to direct children against smoking;
- D. 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 or use tobacco, will generate respect among students for school authority, thereby improving discipline;
- E. This policy will reflect and emphasize the hazards of smoking.

2650.3 COMPLIANCE WITH FEDERAL AND STATE LAW

- A. Congress has adopted the “Pro-Children Act of 1994” (20 U.S.C.S. §6081,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.
- B. The Pennsylvania Legislature has adopted a School tobacco Control Law, Act 168 of 1998, which provides that a Board of School Directors may prohibit smoking on school property and otherwise regulate smoking.
- C. The Pennsylvania Legislature has adopted Act 145 of 1996, which permits school authorities to prosecute students for possession or use of tobacco.

2650.4 DEFINITIONS

- A. Tobacco use is defined as the use or possession of all tobacco products including a cigarette, cigar, pipe or other smoking equipment including electronic cigarettes, and shall also include the use of any smokeless tobacco products.
- B. “Smokeless tobacco product” shall include, but not be limited to, any chewing tobacco, snuff, or similar smokeless tobacco product that is used, chewed, sniffed or ingested.
- C. “School building utilized for children” is any indoor facility used by the West Allegheny School District for provisions of routine or regular kindergarten, elementary or secondary education, or library services to children.
- D. “Tobacco use” is a lighted or unlighted cigarette, cigar, pipe or other tobacco product and smokeless tobacco in any form including all tobacco products of any kind, look-a-like products including but not limited to electronic cigarettes and look-alike smoking cessation devices.
- E. “Children” means individuals who have not attained the age of 18.
- F. “Student” or “Pupil” is a person between the ages of 6 and 21 years who is enrolled in school.

2650.5 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:

A. EMPLOYEES

Employees, officers and agents of the District will be subject to disciplinary action up to and including possible dismissal.

Violations of this policy by employees will, under normal circumstances, result in the following progressive discipline unless a particular violation is judged to be willful or contemptuous, in which case more severe discipline may be imposed. The Board reserves the right to impose greater discipline than indicated if circumstances warrant. Should labor contract define other disciplinary procedures the provisions of the labor contract shall prevail.

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| First Offense: | Verbal warning |
| Second Offense: | Letter in file. (Upon completion of a smoking cessation program, the letter will be withdrawn.) |
| Third Offense: | Suspension without pay for two (2) days |
| Fourth Offense: | Further suspension or possible dismissal |

Employees of private or public agencies providing services to the District are subject to the provision of this Policy and their employer is held responsible for their compliance.

A. VOLUNTEERS

Volunteers will be subject to temporary or permanent termination of participation in the volunteer program.

B. VISITORS

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.

Agencies or organizations renting or otherwise using District facilities are held responsible for compliance with this Policy. Failure to comply may result in the District's refusal to permit the organization or agency future use of the facility.

In addition to the above stated penalties, any person who violates this policy by smoking in any school building in violation of any local fire code or ordinance may be subject to prosecution before a district justice in accordance with said fire code or ordinance.

2650.6 EMPLOYEE ASSISTANCE PROGRAMS

Employees may be referred and encouraged to participate in smoking cessation programs through the employee assistance programs as appropriate.

- A. The provisions of this policy apply to all individuals or organizations using school facilities. Violations of this policy will be taken into

consideration in determining if future requests of facilities use should be granted.

- B. When appropriate, employees shall be referred and encouraged to participation in a smoking cessation program through the employee assistance program as may be appropriate.

Revised by Board 8/20/2014