



Book	Policy Manual
Section	900 Community
Title	Public Attendance at School Events
Code	904
Status	Active
Adopted	August 3, 2020

### **Purpose**

The Board welcomes the public at activities and events sponsored by the school district, but the Board also acknowledges its duty to maintain order and preserve school facilities during such events. This policy establishes conditions, restrictions and procedures to regulate public attendance and conduct at school and school-sponsored activities. The Board prohibits behavior/conduct which threatens the health/safety and welfare of others, and which is disruptive to the school environment.

### **Definitions**

State law defines the term **tobacco product** to broadly encompass not only tobacco but also vaping products including the product marketed as Juul and other electronic cigarettes (e-Cigarettes). **Tobacco products**, for purposes of this policy and in accordance with law, shall be defined to include the following:[\[1\]](#)[\[2\]](#)

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether lighted or unlighted smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a smokeless tobacco, cigarette, cigar, cigarillo, little cigar, chewing tobacco, pipe tobacco, snuff, dip, dissolvable tobacco pieces, and snus.
2. Any electronic device that delivers nicotine or other 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 hooka.
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 that is permitted to be used by employees and contracted personnel:

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.[\[1\]\[2\]](#)
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the district to maintain a drug-free workplace, at which marijuana of any kind is prohibited.*[\[3\]\[4\]](#)

For purposes of this policy, **nicotine** shall mean a product that contains or consists of nicotine in a form that can be ingested by chewing, smoking, inhaling or through other means.

For purposes of this policy, a **nicotine delivery product** shall mean a product or device used, intended for use or designed for the purpose of ingesting nicotine or other substance. This definition includes, but is not limited to, any device or associated product used for what is commonly referred to as vaping or juuling.

### **Authority**

The Board shall establish standards of conduct for students and spectators at school events and shall have the authority to prohibit at a school event the attendance of any individual or group whose conduct may constitute or cause a disruption. The Board prohibits gambling and the possession and use of controlled substances, alcoholic beverages and weapons on school premises.[\[5\]\[6\]](#)

For purposes of this policy, **controlled substances** shall include all:[\[7\]\[8\]](#)

1. Controlled substances prohibited by federal and state law.
2. Look-alike drugs.
3. Alcoholic beverages, including alcohol in any form.
4. Anabolic steroids.
5. Drug paraphernalia.
6. Any volatile solvents or inhalants, such as but not limited to glue and aerosol products.

For purposes of this policy, the term **weapon** shall include, but shall not be limited to, any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle and any other tool, instrument or implement capable of inflicting serious bodily injury.[\[9\]\[10\]](#)

### **Tobacco and Vaping Products**

The Board prohibits use and sale of tobacco nicotine and nicotine delivery products and smoking and vaping products, including the product marketed as Juul and other e-cigarettes, by any persons at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; or on property owned, leased or controlled by the school district.[\[2\]\[11\]](#)

For purposes of this policy, **smoking** shall mean the use of tobacco, including cigars, cigarettes, pipes, electronic cigarettes, vapor producing instruments and smokeless tobacco.

**Electronic cigarettes** shall mean any device that is a battery-operated product manufactured and sold to deliver the components of tobacco (i.e., nicotine), flavor and other chemicals by turning the substances into vapor that is inhaled by the user.

This policy does not prohibit the use of a nicotine patch, gum or lozenge as a smoking cessation product by adult members of the public in attendance at school events.

This policy does not prohibit possession of tobacco and vaping products, including the product marketed as Juul and other e-cigarettes, by members of the public of legal age at school or school-sponsored

activities.

The Board deems it to be a violation of this policy for an individual in attendance at school or a school-sponsored activity to furnish a tobacco or vaping product, including the product marketed as Juul or any other e-cigarette, to a minor.[\[1\]](#)

### **Delegation of Responsibility**

A schedule of fees for attendance at school events shall be prepared by the Superintendent or designee and adopted by the Board.

The Superintendent shall ensure that this policy is posted on the district's publicly accessible website.[\[12\]](#)

### **Reports**

#### *Office for Safe Schools Report –*

The Superintendent shall annually, by July 31, report all incidents of prohibited possession, use or sale of controlled substances, alcohol, nicotine and nicotine delivery products tobacco and vaping products, including Juuls and other e-cigarettes, by any person on school property to the Office for Safe Schools on the required form.[\[13\]](#)

#### *Law Enforcement Incident Report –*

In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies, the Superintendent or designee may report to the school police, School Resource Officer (SRO) or to the local police department that has jurisdiction over the school's property, the use or sale of tobacco or vaping products, including Juuls and other e-cigarettes, by any person in a school building; on a school bus or other vehicles that are owned, leased or controlled by the school district; or on any property owned leased or controlled by the school district.[\[1\]](#)[\[2\]](#)[\[13\]](#)[\[14\]](#)[\[15\]](#)[\[16\]](#)

### **Guidelines**

The administration shall establish rules and regulations for the control of spectators at extracurricular events. Any student who is being disciplined for misbehavior or violations of school regulations may be denied the privilege of attending extracurricular events (plays, athletic contests, dances, etc.). This denial of attendance shall be determined by the building principal.

Persons may be ejected from events for misconduct or violations of rules and regulations governing spectator behavior. Visitors who are observed using tobacco products and/or vaping products, including the product marketed as Juul and other e-cigarettes, shall be asked to refrain. If the individual fails to comply with the request due to his/her violation of the policy, they will be directed to leave the event and/or referred to the appropriate building administrator or district personnel for appropriate action.

### **Service Animals**

Individuals with disabilities may be accompanied by their service animals while on district property for events that are open to the general public in accordance with Board policy and state and federal law and regulation.[\[17\]](#)[\[18\]](#)[\[19\]](#)

## Legal

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. 20 U.S.C. 7118
4. Pol. 351
5. 24 P.S. 511
6. 24 P.S. 775
7. 35 P.S. 780-102
8. 21 U.S.C. 812
9. 24 P.S. 1301-A
10. 24 P.S. 1317.2
11. 20 U.S.C. 7973
12. 24 P.S. 510.2
13. 24 P.S. 1303-A
14. 24 P.S. 1302.1-A
15. 22 PA Code 10,2
16. 22 PA Code 10,22
17. 43 P.S. 953
18. 28 CFR 35.136
19. Pol. 718
- 20 U.S.C. 7971 et seq
- 28 CFR Part 35