

# **ANTI-VAPING, TOBACCO and PARAPHERNALIA POLICY**

## **SCHOOL YEAR 23-24**

### **INTRODUCTION**

Inhaling vapor from an e-cigarette is known as ‘vaping’. When using an e-cigarette, the user inhales and exhales the vapor, which can look similar to smoking a cigarette. The school’s prohibition on smoking and tobacco use includes e-cigarettes (vapes) and applies whether or not the e-cigarette contains nicotine. Unfortunately, with the allure of vaping and the fruity flavors marketed to young people, there has been a significant increase in use over the past few years. The Superintendent has approved and implemented this Anti-Vaping/Tobacco policy in hopes of deterring the unhealthy activity.

### **Health Risk of E-cigarettes and Tobacco:**

- The developing brain is very susceptible to addiction and nicotine is highly addictive.
- Studies conducted by the New England Journal of Medicine have shown that the nicotine hit in an e-cigarette can act as the gateway drug for a young person, just as regular cigarettes have done in the past.
- A study conducted by the University of Southern California suggests that some teens who never would have smoked cigarettes are now vaping.
- Metal micro particles released by e-cigarette heating coils put students at risk for reactive airway disease, asthma and even emphysema.

Studies show that electronic smoking devices are the most common form that teens are using to get the delivery of nicotine. Some of the most common additives in the electronic cigarette are nicotine, flavorings and caffeine. These substances have been known to have a negative effect on adolescent brain development. In addition to the overall increase in the use of electronic smoking devices, there has also been a rapid increase in the devices being used not only to vape tobacco, but also THC (the chemical found in marijuana) and other illegal substances.

### **PURPOSE**

The intent of this policy is to send a strong message to our students that inhaling chemicals and unknown substances is not acceptable behavior at school, is disruptive to the school day and is a threat to their health. With this standalone vaping/tobacco policy, it is the schools desire to send a clear message that a healthy lifestyle does not include the use of tobacco or smoking; Ensure a tobacco free environment for students, families, staff, volunteers and visitors; Provide information to students and their families about the dangers of tobacco and smoking; deliver anti-vaping and tobacco information as a part of a whole school approach to health and wellbeing; and provide a safe healthy environment where students can learn and grow.

### **SCOPE**

Advantage Academy students will be required to adhere to this new Anti-Vaping/Tobacco policy as of Sep. 1<sup>st</sup> 2023. It is a violation of this policy to use or possess tobacco products or nicotine vaping devices or cartridges containing nicotine, or nicotine liquids for use in a vaporizer. A person may not sell tobacco products or vaping devices to, or buy tobacco products or vaping devices for, another person whether or not the devices contain nicotine. A person may not

distribute tobacco products or vaping devices to another person whether or not the devices contain nicotine. It is a violation of this policy to use, possess, sell, buy or distribute traditional cigarettes or tobacco products in any form. A person may not use a vaping device to introduce THC or any other illegal substance into their system in an attempt to produce a high effect. Vaping devices and tobacco products are not permitted within 300 feet of school property, as measured from any point on the school's real property boundary line and also applies to:

- Students, school staff, parents/guardians, visitors and contractors
- All school sanctioned, sponsored and related activities, events or functions that take place on or off school property
- Anyone present on district-owned property including campus premises before, during and after school hours
- Vaping and tobacco paraphernalia. (devices or parts, including Juul, liquids, pods, vials or other material thereof)
- Any and all promotion of vape/tobacco products
- Imitation tobacco products
- All forms of school transportation (owned, leased or contracted)

Just like the cell phone policy rolled out at the start of last school year, the District, its administrators and school staff will strictly enforce prohibitions against vaping/tobacco use and the use of all electronic cigarettes and digital vaporizers.

## **ENFORCEMENT**

This new policy sets consequences for students found vaping or using tobacco products, including related paraphernalia, cartridges or e-liquids. Consequences will also exist for tampering, damaging or removing a vape detector device(s).

A student or students sharing a vape pen or other tobacco products with the possessing student may be reasonably assumed to be guilty of violating this policy. All students observed to be in the immediate area where and when smoke, vape and/or tobacco products, paraphernalia or other indications of vaping/tobacco use are present.

**Enforcement Processing** - 1) Obtain written statement from offending student(s) and any witnesses. If students statement does not divulge the presence of THC or other illegal substance, do presumptive test. 2) Call and inform students' parent/guardian. 3) if applicable inform local authorities.

**First Offense\*** - First offenders will be assigned three days *out-of-school suspension*. Offending student must complete a written report based on each of the following informational websites:

[Learn the truth about e-cigarettes](#) - From Tobacco Free Co

[Know the Risks](#) - U.S. Surgeon General

[E-cigarettes, "Vapes" and JUULs: What Teens Should Know](#) - American Lung Association

\*The Campus Principal may offer the option of allowing student to return to school before serving the full OSS term by completing the written reports early. At least one day must be served.

\*Students who do not provide written reports will be processed as a repeat offender.

**Second Offense** - Second or repeat offenders face *Discretionary Expulsion - Smoking/Vaping/Tobacco Use (use/possession/sell/buy/distribution)-Second Offense*

**THC or other Illegal Substances** - Students caught with a device containing THC or other illegal substances will face *Mandatory Expulsion - Substance Abuse (Drugs)*

**NOTE:** *In all instances, First, Second or Drugs authorities may be called dependent on facts uncovered by the school's investigation and/or revealed by written statements.*

**NOTE:** *The first and all subsequent offenses call for the vape and/or paraphernalia items to be confiscated. Confiscated items will not be returned.*

**NOTE:** *Tampering, damaging or removing a detection device is a level III offense. Restitution cost may also apply.*

*The first and all subsequent offenses call for the vape and/or paraphernalia items to be confiscated. Confiscated items will not be returned.*

### **POLICY EXEMPTIONS**

It shall **NOT** be a violation of this policy for vape/tobacco products or paraphernalia, vape/tobacco-related devices or electronic cigarettes to be on school property and/or used as part of the educational process or an approved instructional activity if the activity is conducted by a staff member or an approved visitor and the activity does not include smoking, chewing or otherwise ingesting the products.

It shall **NOT** be a violation of this policy to use a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product or for other prescribed medical purposes and is used solely for such approved purposes.

*With the increase and uncertainty of what is contained in odorless electronic smoking devices, along with the inability of school administrators to verify the contents through visual inspection, cases will be verified by written statement or by the use of a "Mobile Detect" drug test kit. Some cases may be referred to local police departments for further investigation.*

*Additionally, other consequences outside Advantage Academy's control may be imposed for violations of Texas State Laws {TEC 37.006 (a)(2)(C)(D)}.*

### **SAFETY RISK ASSOCIATED WITH E-CIGARETTES**

One of the greatest safety risks is the explosion of an e-cigarette battery

- E-cigarette battery explosions can be deadly.
- Not all e-cigarettes have safety features to protect against overcharging.
- E-cigarette batteries inadvertently coming into contact with other metal objects, such as keys or coins in a pocket, could cause an explosion.
- E-cigarettes can explode if used with a charger not supported by its manufacturer. E-cigarettes should never be charged with a phone or tablet charger.
- E-cigarette devices can explode if the battery has become damaged or wet.
- All e-cigarette explosions or unexpected health or safety issues must be reported immediately to the U.S. Food and Drug Administration.

## DEFINITIONS

**“Administrator”** means any person who has disciplinary and managerial authority to enforce school policies and penalties at Advantage Academy, including but not limited to principals, assistant-principals, or safety/discipline administrators.

**“Any Time”** means during normal school and non-school hours: 24 hours a day, seven days a week, 365 days a year.

**“Contractor”** means any person subject to this policy that is not a student, staff member, visitor or administrator.

**“Electronic Cigarette”** means any oral device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

**“Imitation Tobacco Product”** means any non-tobacco product designed to resemble a tobacco product including any edible or non-edible, non-tobacco product designed to resemble a tobacco product that is intended to be used by children as a toy. Examples of imitation tobacco products include but are not limited to: candy or chocolate cigarettes, bubble gum cigars, shredded bubble gum resembling chewing tobacco, shredded beef jerky in containers resembling snuff tins, plastic cigars, and puff cigarettes.

**“Informational Websites”** means websites that all students who violate this policy for the first time are required to view and provide written reports on each.

**“School-Sanctioned, Sponsored Activity”** means any event sanctioned or sponsored by the school or school district either on or off school property, including but not limited to, educational or sporting events, camps, field trips, entertainment seminars, dances or theatrical productions.

**“Parent/Guardian”** means any person that has legal guardian status over a student enrolled at Advantage Academy.

**“School”** means any building, facility or property used for before or after school care, instructional, educational or care programs, and any pre-kindergarten, kindergarten, elementary or secondary campus operated under the control of Advantage Academy.

**“School Property”** means all facilities and property, including land, whether owned, rented, or leased by Advantage Academy and all vehicles owned, leased, rented, contracted for or controlled by Advantage Academy and used for transporting students, staff or visitors.

**“School Staff”** means any person employed by Advantage Academy as full or part-time, or any position contracted for or otherwise employed, with direct or indirect monetary wages or profits paid by Advantage Academy or anyone working on a volunteer basis. This term includes, but is not limited to: faculty, service personnel, volunteers, chaperones, and others working for Advantage Academy.

**“Student”** means any person enrolled in Advantage Academy’s educational system.

**“Tobacco Product”** means any products containing, made or derived from tobacco that are intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, or any component, part or accessory of a tobacco product, including but not limited to, cigarettes; cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco. Tobacco products exclude any tobacco product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

**“Vape Detecting Device”** vape detectors are installed in an indoor environment to confirm if vapers or e-cigarettes are being used. Detectors are considered a vaping, vaper, or e-cigarette device and are used to confirm vaping or e-cigarette use. Vape detectors measure the air quality relating to vapers and e-cigarettes in indoor environments, for home, hotels, office, work, schools, or other enclosed spaces.

**“Vaping/Smoking”** means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Vaping/Smoking" also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

**“Visitor”** means any person subject to this policy that is not a student, staff member, contractor or administrator.