FOX CHAPEL AREA SCHOOL DISTRICT

Book	Policy Manual
Section	200 Pupils
Title	Tobacco and Vaping Products
Code	222
Status	Active
Adopted	May 10, 2010
Last Revised	May 5, 2025
Prior Revised Dates	4/8/2019, 5/8/2023

Purpose

The Board recognizes that tobacco and vaping products, 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 and vaping products.

Definition

For purposes of this policy, **tobacco product** encompasses not only tobacco but also vaping products including 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][2]

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][2]

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. NOTE: *This exception shall be governed by Board policy relating to Medications.*[3]

2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. NOTE: *Guidance issued by the PA Department of Health directs schools to prohibit possession of any form of medical marijuana by students at any time on school property or during any school activities on school property. This exception shall be governed by Board policy relating to Controlled Substances/Paraphernalia.*[4]

Authority

The Board prohibits possession, use, purchase or sale of tobacco products, regardless of whether such products contain tobacco or nicotine, by or to students at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[1][2][5]

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.[3]

The Board prohibits student possession of any form of medical marijuana at any time in a school building; on school buses or other vehicles that are owned, leased or controlled by the school district; on property owned, leased or controlled by the school district; or at school-sponsored activities that are held off school property.[4]

The Board authorizes the use of tobacco and vaping surveillance equipment and the confiscation and disposal of tobacco products prohibited by this policy.

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 law enforcement and Board policies.[6][7][8][9][10][11]

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall notify students, parents/guardians and staff about the Board's tobacco and vaping products policy by publishing information in student handbooks, parental newsletters, posters and by other efficient methods, such as posted notices, signs and on the district website.[2]

Reporting

Parental Report –

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use, purchase or sale of a tobacco product, immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether the law enforcement agency 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][12][13]

Annual School Safety and Security Incidents Report -

The Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco products by students to the PA Department of Education on the required form.[11][14][15]

Law Enforcement Incident Report –

The Superintendent or designee may report incidents of possession, use or sale of tobacco products 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 law enforcement agency 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 law enforcement and Board policies.[1][2][11][12][14][15][16]

Guidelines

A student who violates this policy shall be subject to prosecution initiated by the district and, if convicted, shall be required to pay a fine for the benefit of the district, plus court costs. In lieu of the imposition of a fine, the court may admit the student to an adjudication alternative.[2]

Tampering with devices installed to detect use of tobacco products shall be deemed a violation of this policy and subject to disciplinary action.[17]

Legal

1. 18 Pa. C.S.A. 6305
2. 18 Pa. C.S.A. 6306.1
3. Pol. 210
4. Pol. 227
5. 20 U.S.C. 7973
6. 22 PA Code 10.23
7. 20 U.S.C. 1400 et seq
8. Pol. 103.1
9. Pol. 113.1
10. Pol. 113.2
11. Pol. 805.1
12. 22 PA Code 10.2
13. 22 PA Code 10.25
14. 24 P.S. 1306.2-B
15. 24 P.S. 1319-B
16. 22 PA Code 10.22
17. Pol. 218

24 P.S. 510
20 U.S.C. 7114
20 U.S.C. 7118
20 U.S.C. 7971 et seq
34 CFR Part 300
Pennsylvania Department of Health Medical Marijuana Guidance for Schools and

School Districts