

Use of Tobacco by Students

In order to promote the general health, welfare and well-being of students and staff, smoking, chewing or any other use of any tobacco products and the conspicuous possession of tobacco products by students while in or on school properties, or under the school's jurisdiction during school hours, or while participating in a school sponsored event is prohibited.

For purposes of this policy, the following definitions shall apply:

1. "School property" shall mean all property owned, leased, rented or otherwise used by a school including but not limited to the following:
 - a. All interior portions of any building or other structure used for student instruction, educational or library services, routine health care, daycare or early childhood development services as well as for administration, support services, maintenance or storage.
 - b. All school grounds over which the school exercises control including areas surrounding any building, playgrounds, athletic fields, recreation areas and parking areas.
 - c. All vehicles used by the district for transporting students, staff, visitors or other persons.
2. "Tobacco product" means:

any product that contains nicotine or tobacco or is derived from tobacco and is intended to be ingested or inhaled by or applied to the skin of an individual, including but not limited to cigarettes, cigars, pipe tobacco, snuff and chewing tobacco; and

any electronic device that can be used to deliver nicotine to the person inhaling from the device, including but not limited to an electronic cigarette, cigar, cigarillo or pipe.

"Tobacco product" does not include any product that has been approved by the appropriate federal agency as a tobacco use cessation product.
2. "Use" shall mean lighting, chewing, inhaling or smoking any tobacco product.

Signs will be posted in prominent places on all school property to notify the public that smoking or other use of tobacco products is prohibited in accordance with state law and district policy. This policy will be published in all employee and student handbooks, posted on bulletin boards and announced in staff meetings.

Any member of the general public considered by the superintendent or designee to be in violation of this policy will be instructed to leave school district property. Employees found to be in violation of this policy will be subject to appropriate disciplinary action.

Disciplinary measures for students who violate this policy shall include in-house detention, revocation of privileges and exclusion from extracurricular activities. Repeated violations may result in suspension from school. In accordance with state law, no student shall be expelled solely for tobacco use.

Exemptions

Pursuant to state law no exemptions to this policy shall be granted and any previously granted exemption shall be invalid.

Any violation of this policy shall be considered as one form of open and persistent defiance of proper authority and as one form of continued willful disobedience. Such shall be grounds for suspension or expulsion in accordance with state law.

The following sanctions for violations are recommended for secondary students:

First offense: Two-day suspension;

Second offense: Five-day suspension out-of-school;

Third offense: Five-day suspension with recommended referral to the hearing officer.

Any tobacco products found in the possession of a student shall be confiscated.

Adopted: July 18, 1995

Revised: May 21, 1996

Revised: August 5, 1997

Revised: July 13, 1999

Revised: February 17, 2004

Revised: March 18, 2014

Revised: February 2, 2021

Revised: June 21, 2022

LEGAL REFS.: 20 U.S.C. 7181 *et seq.* (*Pro-Children Act of 2001 contained in No Child Left Behind Act of 2001 prohibits smoking in any indoor facility used to provide educational services to children*)
C.R.S. 18-13-121
C.R.S. 22- 32-109 (1)(bb)

C.R.S. 22- 32-109.1 (2)(a)(VII) *(policy required as part of safe schools plan)*

C.R.S. 25-14-103.5

6 CCR 1010-6, Rule 5-306

CROSS REF.: ADC, Tobacco-Free Schools
 IHAMA, Teaching about Drugs, Alcohol and Tobacco
 KFA, Public Conduct on School Property
 JKD/JKE, Suspension/Expulsion of Students

NONDISCRIMINATION STATEMENT

Pueblo County School District 70 does not unlawfully discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity/expression, marital status, national origin, religion, age, disability, need for special education services, genetic information, pregnancy or childbirth status, or other status protected by law in admission or access to, or treatment, or employment in its education programs or activities. Additionally, a lack of English language skills is not a barrier to admission or participation in activities. Inquiries about ADA, Section 504, Title VI, and Title IX may be addressed to the Superintendent of Schools, 301 28th Lane, Pueblo, Colorado 81001. 719-295-6548 or krein@district70.org