

# THE SCHOOL DISTRICT OF PHILADELPHIA

SECTION: 200 Pupils

TITLE: Tobacco Use

ADOPTED: August 24, 2011

REVISED: September 14, 2017

## TOBACCO USE

### **Purpose**

The School Reform Commission recognizes that tobacco presents a health and safety hazard that can have serious consequences for both users and nonusers and the safety and environment of the schools.

### **Definition**

For purposes of this policy, tobacco includes a lighted or unlighted cigarette, cigar, pipe or other smoking product or material and smokeless tobacco in any form.[\[1\]](#)

### **Authority**

The SRC prohibits possession, use or sale of tobacco by students at any time in a school building and on any property, buses, vans and vehicles that are owned, leased or controlled by the school district.[\[1\]](#)[\[2\]](#)[\[3\]](#)

The SRC prohibits possession, use or sale of tobacco by students at school-sponsored activities that are held off school property.

The SRC also prohibits the possession of paraphernalia associated with tobacco use such as rolling papers, matches, and lighters.

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 local law enforcement and SRC policies.[\[4\]](#)[\[5\]](#)[\[6\]](#)[\[7\]](#)[\[8\]](#)[\[9\]](#)

### **Delegation of Responsibility**

The Superintendent or designee shall annually notify students, parents/guardians and staff about the district's tobacco policy by publishing such policy in the student handbook, parent newsletters, posted notices, Code of Student Conduct, district web site and other efficient methods.

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

### **Mandated Regulatory Procedures**

All tobacco products and/or paraphernalia discovered in the possession of students shall be confiscated and not returned.[\[1\]](#)

The Superintendent or designee may report incidents of possession, use or sale of tobacco 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 local police department 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 local law enforcement and SRC policies.[9][10][11][12][13]

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving possession, use or sale of tobacco immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department 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.[9][12][14]

In accordance with state law, the Superintendent shall annually, by July 31, report all incidents of possession, use or sale of tobacco by students to the Office for Safe Schools on the required form.[9][11]

A student convicted of possessing or using tobacco in violation of this policy may be fined up to fifty dollars (\$50) plus court costs or admitted to alternative adjudication in lieu of imposition of a fine.[15]

**Legal References:**

1. 35 P.S. 1223.5
2. 18 Pa. C.S.A. 6305
3. 20 U.S.C. 7183
4. 22 PA Code 10.23
5. 20 U.S.C. 1400 et seq
6. Pol. 103.1 - Nondiscrimination - Qualified Students With Disabilities/Protected Handicapped Students
7. Pol. 113.1 - Discipline of Students With Disabilities
8. Pol. 113.2 - Behavior Support
9. Pol. 805.1 - Relations With Law Enforcement Agencies
10. 24 P.S. 1302.1-A
11. 24 P.S. 1303-A
12. 22 PA Code 10.2
13. 22 PA Code 10.22
14. 22 PA Code 10.25
15. 18 Pa. C.S.A. 6306.1

**Related Information:**

- 24 P.S. 510
- 22 PA Code 403.1
- 20 U.S.C. 7114
- 20 U.S.C. 7181 et seq
- 34 CFR Part 300
- Philadelphia Home Rule Charter - 12-300