

## NON-INSTRUCTIONAL/BUSINESS OPERATIONS

## SUBJECT: SMOKING/TOBACCO USE

**School Grounds**

~~Tobacco use will not be permitted and no person shall use tobacco on school grounds. or and within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary of the District's schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of such residential real property.~~ **The use of tobacco products is prohibited on school grounds. Smoking and vaping are prohibited on school grounds or within one hundred (100) feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary of the District's schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of such residential real property. In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state or country.**

For purposes of this policy, the following definitions apply:

- a) **Tobacco products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.**
- b) **Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco.**
- c) **Vaping means the use of an electronic cigarette.**
- d) **Electronic cigarette (or e-cigarette) means an electronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.**
- e) **Sschool "grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including, as well as any vehicles used to transport children or school personnel.**

**This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.**

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~~For purposes of this policy, tobacco is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus, and/or snuff) in any form.~~

~~The District also prohibits use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.~~

~~The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.~~

**Off-School Grounds**

~~Tobacco use and e-cigarette use is prohibited by students at any school-sponsored event or activity off school grounds.~~

**Posting/ Public Notification of Policy**

~~In compliance with the New York State Clean Indoor Air Act, T~~the District will prominently post its ~~Smoking/Tobacco Use~~ policy and signs prohibiting all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. **smoking and vaping on school grounds in accordance with applicable law.** The District will also designate the Superintendent, School Principals, or their designees to tell individuals ~~who smoke~~ **found smoking or vaping** in a non-smoking area that they are in violation of ~~the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994~~ **law** and District policy.

The District shall ~~also ensure that~~ **will communicate** this policy is ~~communicated~~ to staff, students, parents/guardians, volunteers, and visitors, as ~~deemed appropriate in order to orient all persons to~~ **contractors, and outside groups through means such as** the District's "No Smoking" Policy and environment. **Code of Conduct, student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.**

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~~Consistent with applicable law, any question concerning the interpretation of this Policy shall be resolved in a manner which will provide greater protection for non-smokers.~~

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

- a) On school grounds;
- b) In ~~school~~**any vehicles used to transport students or school personnel;**
- c) At school-sponsored events **or activities**, including those that take place off school ~~premises~~**grounds, including and** in another state ~~and/or~~ another country;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District Code of Conduct and applicable collective bargaining agreements.

This prohibition of tobacco promotional items ~~shall be implemented~~ **will be enforced** in accordance with the Code of Conduct and applicable collective bargaining agreements.

~~In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school-sponsored events.~~ The District will request, whenever possible, tobacco-free editions of periodical publications for school libraries and classroom use.

~~Safe and Drug-Free Schools and Communities Act  
20 United States Code (USC) Section 7101 et seq. Sections 6081-6084, 7971-7974  
Pro-Children Act of 2001, as amended by the No Child  
Left Behind Act of 2001, 20 United States Code (USC)  
Sections 7181-7184  
Education Law Sections 409, 2801(1) and 3020-a  
Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13)n, 1300-o 1399-0, 1399-p and  
1399-aa  
Monroe County Sanitary Code Article VI  
8 NYCRR §§ 155.5, 156.3~~

Refer also to Policies

#3280 -- Use of School Facilities, Materials and Equipment  
#3410 -- Code of Conduct  
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances

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~~#8210 – Safety Conditions and Prevention Instruction~~  
**#8230 – Comprehensive K-12 School Health and Mental  
Health Education Program**  
District *Code of Conduct*

Adopted: 6/12/2007

Amended: 7/6/2010; 11/28/2012;