

***NEWLY PROPOSED REGULATION**

TOBACCO AND NICOTINE VAPOR PRODUCTS REGULATIONS

I. Governing Policy: GBEC/JFCH/KGC: Tobacco Products and Nicotine Vapor Products

II. Procedures

To preserve a safe, nondisruptive environment for effective teaching and learning and as required by the Code of Virginia:

- Students may not possess, use or distribute any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity; and
- All other persons may not use or distribute any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

III. Enforcement

Failure to comply with the provisions of Policy GBEC/JFCH/KGC or the relevant provisions of Regulation JFCF-R/JFCI-R: Alcohol and Other Drugs (AOD) Abuse by:

- Students, may result in corrective action in accordance with the provisions of Regulation JFC-R: Standards of Student Conduct;
- Employees, may result in disciplinary action, in accordance with the Standards of Conduct in the ACPS Employee Handbook; and
- Visitors, may result in being directed to leave school property, in accordance with Policy KK: School Visitors.

IV. Resources

A. Students

To help students overcome tobacco and nicotine vapor addiction, ACPS employs the **Multi-Tiered System of Supports (MTSS)**: a problem solving model designed to address the needs of all students that is intended as an early intervention to prevent long-term academic failure. It is a multi-step process of providing instruction and support to promote the academic and behavioral success of all students. An individual student's progress is monitored regularly by the MTSS Team and results are used to make decisions about further instruction and intervention.

When addressing potential tobacco and nicotine vapor addiction, it is a tiered system of early identification, data-based decision making, and implementation of evidence-based practices of appropriate intensity and duration.

- Tier 1: Universal Prevention
- Tier 2: Selective Prevention/ Intervention

- Tier 3: Targeted Intervention.

B. Employees

ACPS supports employees struggling with tobacco and nicotine vapor addiction, with resources such as smoking cessation programs through the following services found on the ACPS Human Resources web page:

- ACPS Finding Fit Employee Wellness Program (an Employee Wellness Program that provides resources and encourages employees to live a healthy and active lifestyle);
- (EAP) Employee Assistance Program (offers immediate, no-cost assistance for emotional or work-life counseling, financial information, and legal support and resources);
- Health Insurance Carrier Wellness Resources (such as Total Health Assessment Surveys, health guides on fitness, nutrition and recipes, preventive care, weight management, and more).

V. Definitions

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings as defined in Va. Code § 18.2-371.2. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, as defined in Va. Code § 18.2-371.2. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"School property" shall mean all property owned, leased, rented or otherwise used by a school, including but not limited to the following:

- All interior portions of any building or other structure used for instruction, administration, support services, maintenance, or storage;
 - Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;
 - All vehicles used by the Division for transporting students, staff, visitors or other persons; and
- The grounds of any building or other structure used for instruction, administration, sporting events, support services, maintenance, or storage.

Established:

Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ ~~15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827, 22.1-79.5~~, 18.2-371.2, 22.1-79.5, 22.1-279.6.

Standards of Conduct, ACPS Employee Handbook.

<u>Cross Refs.:</u>	<u>CLA</u>	<u>Reporting Acts of Violence and Substance Abuse</u>
	<u>GBEC</u>	<u>Tobacco Free School for Staff and Students</u>
	<u>JFC</u>	<u>Student Conduct</u>
	<u>JFC-R</u>	<u>Standards of Student Conduct</u>
	<u>JFCF/JFCI</u>	<u>Alcohol and Other Drugs (AOD) in Schools</u>
	<u>JFCF-R/JFCI-R</u>	<u>Alcohol and Other Drugs (AOD) Abuse: Regulations</u>
	<u>JFCH/GBEC/KGC</u>	<u>Tobacco Products and Nicotine Vapor Products</u>
	<u>JHCF</u>	<u>Student Wellness</u>
	<u>JHCF-R</u>	<u>Student Wellness Guidelines</u>
	<u>KG</u>	<u>Community Use of School Facilities</u>
	<u>KGB</u>	<u>Public Conduct on School Property</u>
	<u>KGC</u>	<u>Tobacco Use on School Premises</u>
	<u>KK</u>	<u>School Visitors</u>