

Legal: HB 142 repealed KRS 438.345 and created a new section of KRS 158 to require boards of education to adopt policies that penalize students for possessing alternative nicotine products, tobacco products, or vapor products and list PENALTIES; require the board to report annually to the Kentucky department of education the number of nicotine-related behavior incidents in schools and the number requiring medical intervention.

Financial implications: providing materials and loss of ada

STUDENTS

09.4232

Tobacco, Alternative Nicotine, or Vapor Products

Students shall not be permitted to use or possess any tobacco product, alternative nicotine product, or vapor product as defined in KRS 438.305 on or in all Board property at all times, including any vehicle owned, operated, leased, or contracted for use by the Board and while attending or participating in any school-related student trip or student activity.

Evidence-based, age-appropriate nicotine prevention and cessation material shall be distributed to all students at the beginning of each school year, and students shall have access to the material throughout the school year.

Adequate notice shall be provided to students, parents and guardians, school employees, and the general public.

Signage shall be posted on or in all property, including any vehicle that is owned, operated, leased, or contracted for use by the Board, clearly stating that the use of all such products is prohibited at all times and by all persons on or in the property.

School employees shall enforce the policy. Students who violate these prohibitions while under the supervision of the school shall be subject to penalties set forth in the local Code of Acceptable Behavior and Discipline found on the district website.

PENALTIES

If a student under the age of twenty-one violates this policy, then the District will confiscate the alternative nicotine products, tobacco products, or vapor products and:

1. For the first incident, the school counselor or other school-based mental health services provider shall provide to the parent or guardian and the student evidence-based, age-appropriate nicotine cessation information to include but not be limited to materials, programs, and referrals for treatment **and be subject to penalties set forth in the Code of Acceptable Behavior and Discipline.**
2. A second incident shall result in providing information listed above and disciplinary action as determined by the Board and included in the District Code of Acceptable Behavior and Discipline and
3. Third and subsequent incidents may result in an in-school or out-of-school suspension **as listed in the Code of Acceptable Behavior and Discipline.** The school shall provide the opportunity for a student to complete an evidence-based, age-appropriate nicotine education program during an in-school suspension.

Tobacco, Alternative Nicotine, or Vapor Products**REPORTING**

No later than August 1 of each year, the Board shall submit a report to the Kentucky Department of Education that includes:

- a. The number of behavior incidents for each alternative nicotine product, tobacco product, and vapor product, listed by school and grade, and
- b. The number of incidents for which medical intervention was provided, listed by school, grade, and product.

REFERENCES:

KRS 158.149; KRS 160.290; KRS 160.340; KRS 161.180
KRS 438.050; KRS 438.305; KRS 438.345; KRS 438.350
OAG 81-295; OAG 91-137
P. L. 1114-95, (Every Student Succeeds Act of 2015)

RELATED POLICIES:

03.1327; 03.2327; 05.31; 06.221; 09.438; 10.5

