

Book: Luzerne Intermediate Unit
Section: 900 Community
Title: Public Attendance At Intermediate Unit Events
Code: 904
Status: Active
Adopted: October 23, 2024



Purpose

The Board welcomes the public at activities and events sponsored by the Intermediate Unit, but the Board also acknowledges its duty to maintain order and preserve Intermediate Unit facilities and health and safety during such events. This policy establishes conditions, restrictions and procedures to regulate public attendance and conduct at Intermediate Unit activities and events.

Definition

For purposes of this policy, tobacco product encompasses not only tobacco but also vaping products including electronic cigarettes (e-cigarettes). Tobacco products, for purposes of this policy and in accordance with law, shall be defined to include the following: [\[1\]](#)[\[2\]](#)

1. Any product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by any other means, including, but not limited to, a cigarette, cigar, little cigar, chewing tobacco, pipe tobacco, snuff and snus.
2. Any electronic device that delivers nicotine or another substance to a person inhaling from the device, including, but not limited to, electronic nicotine delivery systems, an electronic cigarette, a cigar, a pipe and a hookah.
3. Any product containing, made or derived from either:
 - a. Tobacco, whether in its natural or synthetic form; or
 - b. Nicotine, whether in its natural or synthetic form, which is regulated by the United States Food and Drug Administration as a deemed tobacco product.
4. Any component, part or accessory of the product or electronic device listed in this definition, whether or not sold separately.

The term tobacco product does not include the following:[\[1\]\[2\]](#)

1. A product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is marketed and sold solely for such approved purpose, as long as the product is not inhaled.
2. A device, included under the definition of tobacco product above, if sold by a dispensary licensed in compliance with the Medical Marijuana Act. *Federal law requires the Intermediate Unit to maintain a drug-free environment, at which marijuana of any kind is prohibited.*[\[3\]\[4\]](#)

Authority

The Board has the authority to prohibit at an event under the jurisdiction of the Intermediate Unit, the attendance of any individual whose conduct may constitute a disruption. The Executive Director or designee and building administrator or program supervisor may limit attendance to designated areas or may limit the number of attendees to Intermediate Unit events when necessary to protect the health and safety of students, staff and the public, in accordance with Board-approved health and safety plans and guidance from state and local officials.

The Board prohibits gambling and the possession and use of controlled substances prohibited by state or federal law, alcoholic beverages and weapons on Intermediate Unit premises.[\[5\]\[6\]](#)

Attendees shall be informed of the Intermediate Unit's health and safety rules through announcements and posting of appropriate signage. Health and safety rules must be followed prior to entry and while attendees are in Intermediate Unit buildings and on Intermediate Unit property, in accordance with Board policy, Intermediate Unit procedures, the Board-approved health and safety plans and guidance from state and local officials.[\[7\]](#)

Tobacco and Vaping Products

The Board prohibits use of tobacco and vaping products, including e-cigarettes, by any persons at any time in an Intermediate Unit building; on school buses or other vehicles that are owned, leased or controlled by the Intermediate Unit; or on property owned, leased or controlled by the Intermediate Unit unless expressly permitted in designated areas which must be located at least fifty (50) feet from school buildings, stadiums or bleachers. [\[2\]\[8\]](#)

This policy does not prohibit possession of tobacco products by members of the public of legal age at Intermediate Unit activities or events.

The Board deems it to be a violation of this policy for an individual in attendance at an Intermediate Unit activity or event to furnish a tobacco product to a minor.[\[1\]](#)

Delegation of Responsibility

The Executive Director or designee shall notify members of the public about this policy by publishing information on the Intermediate Unit's website, and by posting signs and notices.

Reports

Annual School Safety and Security Incidents Report –

The Executive Director shall annually, by July 31, report all incidents of prohibited possession, use or sale of tobacco products by any person on Intermediate Unit property to the PA Department of Education on the required form. [\[9\]](#)[\[10\]](#)[\[11\]](#)

Law Enforcement Incident Report –

In accordance with state law and regulations, the procedures set forth in the memorandum of understanding with law enforcement and Board policies, the Executive Director or designee may report to the law enforcement agency that has jurisdiction over the school property of the Intermediate Unit, the use or sale of tobacco products by any person in an Intermediate Unit building; on a school bus or other vehicles that are owned, leased or controlled by the Intermediate Unit; or on any property owned, leased or controlled by the Intermediate Unit. [\[1\]](#)[\[2\]](#)[\[9\]](#)[\[10\]](#)[\[11\]](#)[\[12\]](#)[\[13\]](#)

Guidelines

Service Animals

Individuals with disabilities may be accompanied by their service animals while on Intermediate Unit property for events that are open to the general public in accordance with Board policy and state and federal laws and regulations. [\[14\]](#)[\[15\]](#)[\[16\]](#)

Legal

1. 18 Pa. C.S.A. 6305

2. 18 Pa. C.S.A. 6306.1

3. 20 U.S.C. 7118

4. Pol. 351

5. 24 P.S. 775

6. 24 P.S. 914-A

7. Pol. 705

8. 20 U.S.C. 7973

9. 24 P.S. 1306.2-B

10. 24 P.S. 1319-B

11. Pol. 805.1

12. 22 PA Code 10.2

13. 22 PA Code 10.22

14. 28 CFR 35.136

15. 43 P.S. 953

16. Pol. 718

35 P.S. 637.1 et seq

20 U.S.C. 7971 et seq

28 CFR Part 35