

Understanding Vaping Laws in Ontario Schools

A Practical Guide for K–12 Professionals

A Purposive Approach to Vaping Response

A purposive approach in law and policy involves interpreting legal rules according to the broader objectives or intent behind them, rather than relying strictly on literal or overly technical meanings. Some legislation, such as Ontario’s [Education Act](#),¹ explicitly states its purpose.

Anti-vaping laws in schools—like all education and public health regulations—should be understood in light of the fundamental purpose of the education system: to ensure student well-being and promote learning. Under [administrative law](#), this purposive interpretation establishes the principles that guide decision-makers, such as principals and school boards, in exercising discretion when applying rules to vaping incidents. It empowers them to make decisions that are context-sensitive and aligned with the overarching goals of education.

Provincial Regulatory Framework

The **purpose of education in Ontario**, as defined in its governing legislation, is expressed as a positive statement of support. Discipline is part of this framework, but it must remain consistent with the overarching purpose of education—to ensure student well-being and promote learning. In other words, disciplinary measures should align with the law’s intent to foster safe, supportive, and inclusive learning environments.

In Ontario, the **relevant legislation on vaping** includes:

- **Smoke-Free Ontario Act (2017)** – Prohibits smoking and vaping on school property or within 20 metres of school grounds, enforced through public health units.
- **Education Act – Part XIII (Behaviour, Discipline & Safety)** – Requires progressive and proportional disciplinary actions that consider [mitigating factors](#).
 - **PPM 128:** Promoting Positive Student Behaviour (effective September 2024).
 - **PPM 145:** Progressive Discipline and Promoting Positive Student Behaviour.
 - **PPM 120: Reporting Violent Incidents** – Vaping does not fall under this policy unless it is associated with violence or threats.

¹ Education Act, R.S.O. 1990, c. E.2: “(1) A strong public education system is the foundation of a prosperous, caring and civil society. (2) The purpose of education is to provide students with the opportunity to realize their potential and to develop into highly skilled, knowledgeable, caring citizens who contribute to their society. (3) All partners in the education sector, including the Minister, the Ministry and school boards, have a role to play in enhancing student achievement and well-being, closing gaps in student achievement, and maintaining confidence in the province’s publicly funded education systems.”
(2009, c. 25, s. 1)

When prohibited items or substances are found in a student’s possession, these legal instruments indicate that, at minimum, school boards must:

1. Establish and maintain disciplinary enforcement mechanisms for prohibited items.
2. Ensure parents are notified, unless the principal believes such notification would cause harm to the student, as referenced in **PPM 128**.
3. Require that the student surrender the prohibited item(s) to an educator or administrator.

Account for Contextual Factors

The **governing regulation**, enacted by Cabinet under the authority of the *Education Act*, is *Behaviour, Discipline and Safety of Pupils*, **O. Reg. 472/07, s. 2**. Its stated purpose is to promote **progressive discipline**, a supportive and corrective approach to student behaviour rather than one that is solely punitive. The regulation directs education professionals to consider **mitigating factors** when determining appropriate disciplinary responses to incidents such as vaping.

Immediate factors	<ul style="list-style-type: none"> ● Does the student have the ability to control their behaviour? ● Does the student have the ability to understand the reasonably foreseeable consequences of their behaviour? ● Does the student’s continued presence in the school create an unacceptable risk to the safety of any person?
Other mitigating factors	<ul style="list-style-type: none"> ● Student’s history ● Previous use of a progressive discipline approach ● Is the activity for which the student may be, or is being, suspended or expelled related to any harassment of the student based on race, ethnic origin, religion, disability, gender, sexual orientation, or any other form of harassment? ● Impact of disciplinary action on the student’s ongoing education ● Student’s age and developmental stage ● For students with an Individual Education Plan (IEP): <ul style="list-style-type: none"> ○ Whether the behaviour was a manifestation of a disability identified in the IEP ○ Whether appropriate individualized accommodation has been provided ○ Whether the suspension or expulsion is likely to aggravate or worsen the student’s behaviour or conduct

Board Policy

Pursuant to **PPM 128**, Ontario school boards have updated their codes of conduct. None mandate automatic suspensions for vaping; instead, they emphasize **progressive discipline** and **student support**.

Review your school board's policy on disciplinary actions, including the relevant considerations, mitigating factors, and other applicable guidelines.

References

Government of Ontario. *Smoke-Free Ontario Act, 2017*, SO 2017, c. 26, Sched. 3. Available from:
<https://www.ontario.ca/laws/statute/17s26>

Government of Ontario. *Education Act*, RSO 1990, c. E.2. Available from:
<https://www.ontario.ca/laws/statute/90e02>

Government of Ontario. *O. Reg. 472/07: Behaviour, Discipline and Safety of Pupils* (Mitigating Factors). Available from: <https://www.ontario.ca/laws/regulation/070472>