

TOBACCO

The Governing Board recognizes that tobacco use presents serious health risks and desires to provide support and assistance in the prevention and intervention of tobacco use among youth.

(cf. 5131.6 – Alcohol and Other Drugs)

Students shall not be allowed to smoke, chew or possess tobacco or any product, containing tobacco or nicotine on school property or during school hours, at school-sponsored events, or under the supervision of district employees. (Education Code 48901)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Education Code 48901)

Tobacco products include: (Education Code 48901)

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, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 5131 Conduct)

(cf. 5144 – Discipline)

(cf. 5144.1 – Suspension and Expulsion/Due Process)

(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities))

The district's comprehensive prevention/intervention program shall be based on an ongoing assessment of objective data regarding tobacco use in the schools and community and on research identifying strategies that have proven effective in preventing or reducing tobacco use among youth. The program shall be designed to meet a set of measurable goals and objectives and shall be periodically evaluated to assess progress.

(cf. 0500 – Accountability)

The district shall provide developmentally appropriate tobacco use prevention instruction for students in grades kindergarten through 12.

(cf. 6142.8 – Comprehensive Health Education)

(cf. 6143 – Courses of Study)

TOBACCO (continued)

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 – Youth Services)
(cf. 5141.6 – School Health Services)
(cf. 5146 – Married/Pregnant/Parenting Students)
(cf. 6164.2 – Guidance/Counseling Services)

Because of the additional health risks of tobacco use for prenatal development, the district shall provide outreach, motivational and other support services to prevent or reduce tobacco use among pregnant and parenting minors.

(cf. 5146 – Married/Pregnant/Parenting Students)

Information about smoking cessation programs shall be made available and encouraged for students and staff. (Health and Safety Code 104420)

(cf. 4159/4159,/4359 – Employee Assistance Programs)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity, which is known to have received funding from the tobacco industry.

(cf. 1325 – Advertising and Promotion)
(cf. 3290 – Gifts, Grants and Bequests)
(cf. 6161.1 – selection and Evaluation of Instructional Materials)

The Superintendent or designee shall coordinate prevention and cessation efforts with the local health department, other local agencies and community organizations and shall involve students, parents/guardians, families and the community in support of school-based programs.

(cf. 1020 – Youth Services)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco.

TOBACCO (continued)

(cf. 0500 – Accountability)
(cf. 5022 – Student and Family Privacy Rights)
(cf. 6162.8 – Research)

Legal Reference:

EDUCATION CODE

48900 Suspension or expulsion (grounds)
48900.5 Suspension, limitation on imposition; exception
48901 Smoking or use of tobacco prohibited
51202 Instruction in personal and public health and safety
60041 Instructional materials, portrayal of effects of tobacco use
8900 Suspension or expulsion (grounds)

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco use prevention education
104559 Tobacco use prohibition
119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

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Management Resources:

CDE PUBLICATIONS

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

National Association of State Boards of Education: <http://www.nasbe.org>

CSBA: <http://www.csba.org>

California Department of Education, Tobacco-Use Prevention Education:

<http://www.cde.ca.gov/ls/he/at/tupe.asp>

TOBACCO

Tobacco Use Prevention Education

Instruction for students in grades 5 through 8 shall address the following topics:
(Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic and social consequences of tobacco use.
2. Reasons that adolescents say they smoke or use tobacco.
3. Peer norms and social influences that promote tobacco use.
4. Refusal skills for resisting social influences that promote tobacco use.

As appropriate, the district shall provide or refer students in grades 7-12 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

(cf. 1020 – Youth Services)
(cf. 5141.6 – School Health Services)
(cf. 6164.1 – Guidance/Counseling Services)

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

The district shall refer every pregnant and parenting minor enrolled in the district to tobacco-use prevention services. Such services may include: (Health and Safety Code 104460)

1. Referral to perinatal and related support services
2. Individualized counseling and advocacy services
3. Motivational messages
4. Cessation services, if appropriate
5. Maintenance and relapse prevention services

(cf. 5146 – Married/Pregnant/Parenting Students)